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NOTICE OF PROPOSED RULES

1) Heading of the Part: Wholesale Service Quality for Telecommunications Carriers

2) Code Citation: 83 Ill. Adm. Code 731

<u>Section Numbers:</u>	<u>Proposed Action:</u>
731.100	New Section
731.105	New Section
731.110	New Section
731.200	New Section
731.205	New Section
731.210	New Section
731.220	New Section
731.230	New Section
731.300	New Section
731.305	New Section
731.310	New Section
731.315	New Section
731.320	New Section
731.325	New Section
731.330	New Section
731.400	New Section
731.405	New Section
731.410	New Section
731.420	New Section
731.500	New Section
731.505	New Section
731.600	New Section
731.605	New Section
731.610	New Section
731.615	New Section
731.620	New Section
731.625	New Section
731.630	New Section
731.635	New Section
731.700	New Section
731.705	New Section
731.800	New Section
731.805	New Section
731.810	New Section
731.815	New Section

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731.820	New Section
731.900	New Section
731.905	New Section

- 4) Statutory Authority: Implementing Section 13-712(g) and 13-902(c)(3) of the Public Utilities Act [220 ILCS 5/13-712(g) and 220 ILCS 5/13-902(c)(3)]
- 5) A Complete Description of the Subjects and Issues Involved: Section 13-712(g) of the Public Utilities Act requires that "[t]he Commission...establish and implement carrier to carrier wholesale service quality rules and establish remedies to ensure enforcement of the rules." The Commission is proposing this Part to comply with Section 13-712(g) of the Act.

The proposed rules establish four "tiers" of telecommunications carriers, or "Levels." The carriers that provide the bulk of the wholesale service, the Incumbent Local Exchange Carriers ("ILECs") with 400,000 or more access lines (SBC and Verizon) are Level 1 carriers. All other ILECs, except carriers subject to the rural exemption, are Level 2 carriers. ILECs that are subject to the rural exemption are classified as Level 3 carriers. All other LECs or Competitive Local Exchange Carriers (CLECs) are classified as Level 4 carriers.

The Part requires Level 1 carriers that already have Wholesale Service Quality Plans that were developed as a result of merger commitments to have a Commission-approved Wholesale Service Quality Plan that meets certain requirements and criteria set forth in the rules. The Part provides a procedure for Commission approval of, and periodic review of, such Plans.

With respect to Level 2 carriers, the set of measures imposed by the rules are more limited than those found in Level 1 Wholesale Service Quality Plans. The rules do not impose any performance measures on Level 3 carriers, except when such carriers lose their rural exemption. Level 4 carriers that provide little wholesale service are subject to three performance measures, standards, and some remedies.

The Part contains performance measures and standards. Generally, the measures and standards concern timeframes for provisioning services, for maintenance and repair and for the transition that occurs when an end user customer switches carriers. These standards also concern what information a carrier must supply to another carrier in given situations. Failure to meet the standards can result in a payment or in the issuing of a credit on a future bill, depending on the measure breached. However, the Part also provides that carriers are excused from performance within designated timeframes, if

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failure to perform was due to a circumstance beyond the provisioning carrier's control, such as a tornado, an act of terrorism, or the actions of the end user.

- 6) Will these proposed rules replace any 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.
- 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 01-0539, 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 that are not otherwise jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures
 - C) Types of professional skills necessary for compliance: Managerial and engineering
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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The full text of the proposed rules begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE COMPANIES

PART 731

WHOLESALE SERVICE QUALITY FOR TELECOMMUNICATIONS CARRIERS

SUBPART A: GENERAL

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- 731.100 Purpose and Application of Part
- 731.105 Definitions
- 731.110 Classifications of Carriers

SUBPART B: PROCEDURE FOR LEVEL 1 CARRIERS

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- 731.200 Applicability of Subpart B
- 731.205 Submission of Wholesale Service Quality Plans
- 731.210 Investigation or Review of Wholesale Service Quality Plans
- 731.220 Wholesale Service Quality Plan Filing Requirements
- 731.230 Effective Wholesale Service Quality Plan Pending Review and Approval by the Commission

SUBPART C: PLAN REQUIREMENTS FOR LEVEL 1 CARRIERS

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- 731.300 Applicability of Subpart C
- 731.305 General Plan Requirements
- 731.310 Types of Service Covered
- 731.315 Measures and Standards
- 731.320 Remedies
- 731.325 Reporting
- 731.330 Auditing

SUBPART D: PROVISIONS APPLICABLE TO ALL LEVEL 1 CARRIERS

Section

- 731.400 Applicability of Subpart D
- 731.405 Treatment and Effect of Wholesale Service Emergency Situations

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- 731.410 Additional Reporting Requirements
731.420 Effect of Interconnection Agreements

SUBPART E: COMMISSION REVIEW AND APPROVAL OF
PLANS FOR LEVEL 1 CARRIERS

Section

- 731.500 Applicability of Subpart E
731.505 Commission Review and Approval of Wholesale Service Quality Plans

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Section

- 731.600 Applicability of Subpart F
731.605 Types of Service Covered by and Exemption from Reporting Requirements from
Subpart F
731.610 Measures and Standards under Subpart F
731.615 Remedies under Subpart F
731.620 Reporting under Subpart F
731.625 Auditing under Subpart F
731.630 Effect of Interconnection Agreement
731.635 Application of Level 1 Requirements to Level 2 Carriers and Conversion to Level
1

SUBPART G: PROVISIONS APPLICABLE TO LEVEL 3 CARRIERS

Section

- 731.700 Applicability of Subpart G
731.705 Conversion to Level 2

SUBPART H: PROVISIONS APPLICABLE TO LEVEL 4 CARRIERS

Section

- 731.800 Applicability of Subpart H
731.805 Types of Service Covered and Exemptions from Certain Subparts
731.810 Measures and Standards under Subpart H
731.815 Remedies under Subpart H
731.820 Application of Level 2 Requirements to Level 4 Carriers and Conversion to Level
2

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SUBPART I: PROVISIONS APPLICABLE TO ALL CARRIERS

- 731.900 Applicability of Subpart I
731.905 Notice of Termination of Wholesale Service

AUTHORITY: Implementing Sections 13-712(g) and 13-902(c)(3) of the Public Utilities Act [220 ILCS 5/13-712(g) and 13-902(c)(3)].

SOURCE: Adopted at 28 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 731.100 Purpose and Application of Part

This Part governs carrier to carrier wholesale service quality standards and remedies in accordance with Section 13-712(g) of the Public Utilities Act [220 ILCS 5/13-712(g)], including, but not limited to, establishing guidelines for the development and submission of wholesale service quality plans for Level 1 carriers establishing wholesale service quality obligations for Level 2 carriers, and establishing the criteria pursuant to which certain carriers are or may be exempt from Subparts B, C, D, E, and F of this Part. Unless otherwise indicated, the provisions of this Part are applicable to all providers of wholesale service to the extent that they are providing wholesale service.

Section 731.105 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Billing" means the processes and systems used to prepare and provide bills to carriers for service ordered and rendered by the providing carrier. "Billing" also includes the functions required to investigate and dispute bills by the carrier receiving the bill.

"Bona fide request" means a telecommunications carrier's written request to another telecommunications carrier to provide a wholesale service.

"Business day" means Monday through Friday, inclusive, excluding weekends and holidays observed and published by the providing carrier.

"Carrier" means a telecommunications carrier as defined in Section 13-202 of the Act [220 ILCS 5/13-202].

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"Carrier to carrier wholesale service quality" means the level of quality of telecommunications service, measured pursuant to this Part, that one telecommunications carrier sells or provides to another telecommunications carrier for the latter carrier's use in providing a telecommunications service to end users.

"Change management" means the series of processes and procedures negotiated between two or more carriers that detail the guidelines by which operation support system (OSS) changes are requested and made and for which notice is provided to the users of the OSS.

"Collocation" means the placement by one carrier of its network equipment at the premises of another carrier.

"Commission" means the Illinois Commerce Commission.

"Customer service record" or "CSR" means account information that a providing carrier maintains about an end user and includes, but is not limited to, the billing name, service address, and billing address of the end user. A CSR shall not be requested until after the requesting carrier has received authorization from the end user customer.

"Firm order confirmation" or "FOC" means the document or electronic record by which a provisioning carrier notifies a requesting carrier that the service order has been received and what due date has been assigned.

"Good cause" is evidence or law presented in a Commission proceeding that establishes a party's entitlement to the relief at issue or requested.

"High frequency portion of the loop" or "HFPL" means the frequency range above the voiceband on a copper loop facility that is being used to carry analog circuit-switched voiceband transmissions. Access to the HFPL is commonly called line sharing or line splitting.

"Interconnection trunks" means network facilities used to interconnect two switches of different carriers.

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"Local exchange carrier" or "LEC" means a carrier certificated by the Commission to provide intraexchange service within the same market service area (see Section 13-208 of the Act [220 ILCS 5/13-208]).

"Local loop" means a transmission facility between a distribution frame (or its equivalent) in a carrier's central office and the loop demarcation point at an end user customer premises. Local loop includes HFPL.

"Loss notification" means the notice or notification given to a requesting carrier that uses the provisioning carrier's facilities to offer service to its end user when the end user of the service decides to switch its service to the provisioning carrier or to another carrier. This notification is sent from the provisioning carrier to the losing carrier to notify the losing carrier that it has lost the end user customer. Typically, this notification is the mechanism through which the losing carrier obtains information to know that it should cease billing the end user for a given service that one carrier sells or provides to another carrier, as a component of, or for the provision of, telecommunications service to end users.

"Maintenance and repair" means the actions taken or functions used to create trouble reports, view or determine trouble report status and trouble report history, receive proactive status on trouble reports, and clear and close trouble reports.

"Measure" means the specific component or attribute of a wholesale service that is being measured to assess service quality pursuant to an adopted or agreed upon standard. Measures are often based on the pre-ordering, ordering, provisioning, maintenance and repair, or billing functions used to deliver the service.

"Operation support systems" or "OSS" means the various systems and business processes used by a carrier to conduct business with its customers. Typically, OSS covers pre-ordering, ordering, provisioning, maintenance and repair, and billing functions.

"Ordering" means the sequence of steps involved in placing an order with a carrier.

"Preexisting plan" means:

A plan implemented by or for a carrier prior to the effective date of this Part that contains one or more of the components required for a wholesale service quality plan as set forth in Section 731.305 (General Plan

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Requirements), the terms and provisions of which have been specifically reviewed and approved by the Commission within the previous three years in a docketed proceeding, other than a proceeding that reviewed a negotiated or arbitrated agreement pursuant to section 252 of the federal Telecommunications Act of 1996 (47 USC 252); or

If the terms and conditions of a Pre-Rule Plan have not been specifically reviewed and approved by the Commission within the previous three years in a docketed proceeding other than a proceeding that reviewed a negotiated or arbitrated agreement pursuant to section 252 of the federal Telecommunications Act of 1996, then the most recent Pre-Rule Plan implemented by that carrier pursuant to a Commission order or, if no Pre-Rule Plan was implemented by that carrier pursuant to a Commission order, the most recent Pre-Rule Plan implemented by that carrier on a voluntary basis.

"Pre-ordering" means the exchange of specific information (usually an inquiry and response process) between two carriers for the purpose of gathering appropriate information before submitting a request or order.

"Pre-Rule Plan" means the same as "preexisting plan".

"Provision" or "provisioning" means to supply, or the supplying of, telecommunications service to a user. With respect to OSS, "provisioning" also means the functions used to manage and monitor an order during the period between the order placement and order completion.

"Provisioning carrier" means the carrier provisioning, or committing or offering to provision, a wholesale service to another carrier.

"Public interest" has the same meaning as in 47 USC 252(e).

"Reject notice" means a method by which a carrier notifies a requesting carrier that a service request or order is rejected.

"Remedy" means a payment or credit from one carrier to another carrier or the State of Illinois for failure to provide wholesale service at the standard prescribed in Section 731.320 for Level 1 carriers, Section 731.615 for Level 2 carriers, and Section 731.815 for Level 4 carriers.

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"Requesting carrier" means the carrier requesting, ordering, or receiving a wholesale service from another carrier.

"Resold local service" means the sale, for purposes of resale, of a complete telecommunications path (i.e., switch port and loop) and associated support (e.g., 9-1-1) by a facilities-based carrier to another carrier.

"Rural exemption" means the exemption granted to rural telephone companies under section 251(f) of the federal Telecommunications Act (47 USC 251(f)).

"Standard" means the rate or level at which a measure is to be provided.

"Telecommunications Act" means the federal Telecommunications Act of 1934, as amended by the Telecommunications Act of 1996.

"Trouble report" has the same meaning as in 83 Ill. Adm. Code 730.

"Unbundled local loop" means the physical connection from the end user's premises to the carrier's point of presence, excluding switching or ports, provided by one carrier to another carrier.

"Unbundled loop return" means the release for reuse by a carrier of an unbundled local loop to a different carrier when the subscriber, whose local telephone service resides on the unbundled loop, authorizes a change in its local telephone service to a different carrier.

"Wholesale out of service" means a situation in which the wholesale service cannot be used for its intended function. "Out of service" does not include a situation in which the essential elements of a wholesale service are still operational but there are extra features that are not working (e.g., for dial tone wholesale service a line is not out of service if the call blocking feature is not working but the line has dial tone and can be used to receive and place calls; for non-dial tone wholesale service a line is out of service when the circuit is incapable of transporting voice and/or data).

"Wholesale service" means any telecommunications service subject to the Commission's jurisdiction that one carrier sells or provides to another carrier, as a component of, or for the provision of, telecommunications service to end users, including, but not limited to, any wholesale service that is subject to wholesale service quality standards pursuant to this Part.

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"Wholesale service emergency situation" means a single event that causes an interruption of service or installations affecting wholesale service provided by a carrier. The emergency situation shall begin with the first carrier whose wholesale service is interrupted by the single event and shall end with the restoration or installation of the service of all affected carriers. The term "single event" shall include:

A declaration made by the applicable State or federal governmental agency that the area served by the local exchange carrier is either a State or federal disaster area; or an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, or war, or acts of parties that are not agents, employees or contractors of the local exchange carrier; or a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term "wholesale service emergency situation" shall not include: a single event caused by high temperature conditions alone; or a single event caused, or exacerbated in scope and duration, by acts or omissions of the local exchange carrier, its agents, employees or contractors or by the condition of facilities, equipment, or premises owned or operated by the local exchange carrier who is claiming that the interruption of service is due to an emergency situation; or any service interruption that occurs during a single event listed above, but is not caused by those single events; or a single event that the local exchange carrier who is claiming that the interruption of service is due to an emergency situation could have reasonably foreseen and taken precautions to prevent; provided, however, that in no event shall such carrier be required to undertake precautions that are technically infeasible or economically prohibitive.

This Part shall be construed as being content neutral as to whether a strike or other work stoppage is a "wholesale service emergency situation". In the event of a strike or other work stoppage, the local exchange carrier's obligations to provide remedies under this Part shall, in the absence of a decision by a court of competent jurisdiction, be determined by the Commission on a case-by-case basis based upon the individual factual circumstances of each strike or other work stoppage. In making such a determination, and notwithstanding the definition of "wholesale service emergency situation", the Commission shall not presume that a strike or other work stoppage is an act of an employee or of the local exchange

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carrier. Notwithstanding anything to the contrary contained in this definition, a carrier shall not treat a strike or other work stoppage as a wholesale service emergency situation for reporting purposes unless and until a determination is made that such strike or other work stoppage constitutes a wholesale service emergency situation.

"Wholesale service quality plan" or "plan" means a plan filed or approved pursuant to Subpart B, C, D, or E of this Part.

"Wholesale special access" means wholesale service subject to the Commission's jurisdiction utilizing a dedicated non-switched transmission path used for carrier-to-carrier service from the customer's NID (Network Interface Device) or POI (Point Of Interface) to the carrier's POI (Point Of Interface) to one or more of the following: the provisioning carrier's POI; another NID or POI on the requesting carrier's network; or another carrier's network. A non-switched transmission path may include, but is not limited to, DS1, DS3, and OCn facilities as well as links for SS7 signaling, database queries, and SONET ring access. "Wholesale special access" includes wholesale special access service subject to the Commission's jurisdiction provided to a wireless carrier or to another telecommunication carrier.

Section 731.110 Classifications of Carriers

- a) Level 1 Carriers. For purposes of this Part, the following carriers shall be Level 1 carriers:
 - 1) LECs in the State of Illinois that provide wholesale service and have a preexisting plan; or
 - 2) LECs in the State of Illinois that have obligations pursuant to section 251(c) of the federal Telecommunications Act, with 400,000 or more subscriber access lines in service; or
 - 3) LECs in the State of Illinois that provide wholesale service and are directed pursuant to a Commission order to comply with all of the requirements of Subparts B, C, D, and E pursuant to Section 731.635.
- b) Level 2 Carriers. For purposes of this Part, Level 2 carriers are those LECs in the State of Illinois that provide wholesale service and satisfy each of the following requirements:

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- 1) Have obligations pursuant to section 251(c) of the federal Telecommunications Act, with fewer than 400,000 subscriber access lines in service;
 - 2) Do not have a preexisting plan;
 - 3) Do not have a wholesale service quality plan approved by the Commission pursuant to Subpart E;
 - 4) Have not been directed pursuant to a Commission order to comply with all of the requirements of Subparts B, C, D, and E pursuant to Section 731.635; and
 - 5) Do not have a currently effective rural exemption.
- c) Level 3 Carriers. For purposes of this Part, Level 3 carriers are those LECs in the State of Illinois with a rural exemption from the obligations of section 251(c) of the federal Telecommunications Act.
- d) Level 4 Carriers. For purposes of this Part, Level 4 carriers are those LECs in the State of Illinois that do not have obligations pursuant to section 251(c) of the federal Telecommunications Act and are not Level 3 carriers.

SUBPART B: PROCEDURE FOR LEVEL 1 CARRIERS

Section 731.200 Applicability of Subpart B

The provisions of Subpart B are applicable to all Level 1 carriers.

Section 731.205 Submission of Wholesale Service Quality Plans

- a) On or before June 1, 2004, and every three years thereafter, every Level 1 carrier shall submit to the Manager of the Telecommunications Division of the Commission its Wholesale Service Quality Plan as specified in, and pursuant to, Subparts B, C, D and E of this Part. Additional submissions shall be made each time a Level 1 carrier's wholesale service quality plan is amended. With each submission, the Level 1 carrier shall include a brief explanation of any changes to the plan. For any submission due after June 1, 2004, if a Level 1 carrier proposes to maintain, without any additions, deletions or modifications, its existing wholesale service quality plan, the Level 1 carrier may file a submission with the

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Manager of the Telecommunications Division, in the form of a verified statement establishing that it proposes to maintain its existing plan in effect, without any additions, deletions or modifications.

- b) Any carrier designated by the Commission as a Level 1 carrier pursuant to Section 731.110 or 731.635 shall submit to the Manager of the Telecommunications Division its wholesale service quality plan within 90 days after its designation as a Level 1 carrier by the Commission, and, after one year from the submission of its initial wholesale service quality plan, shall submit all amended wholesale service quality plans pursuant to subsection (a).
- c) If the Commission has reason to believe that implementation of a Level 1 carrier's wholesale service quality plan discriminates against a telecommunications carrier that is not a party to the agreement, or if the Commission has reason to believe that implementation of the plan is not consistent with the public interest, convenience and necessity, it may initiate a proceeding to investigate that wholesale service quality plan. After an investigation and notice and an opportunity to be heard, the Commission may modify, update, or in any way amend the plan prior to the end of the triennial period.
- d) 45 days prior notice of any proposed change or modification to a Plan shall be served on the Manager of the Telecommunications Division of the Commission and all affected carriers via mail, with postage prepaid, or fax, or e-mail and shall be available for inspection on that Level 1 carrier's website. Any carrier contesting the proposed change must file, within 30 days after the date of service of the notice of the proposed change, a complaint, with the Commission, in which the complaining carrier sets forth the reasons it contests the change.
- e) At any hearing regarding a change or modification to a plan, the carrier proposing the change or modification to the plan shall have the burden of proof to establish the justness and reasonableness of the changes or modifications.

Section 731.210 Investigation or Review of Wholesale Service Quality Plans

For each investigation or review of a wholesale service quality plan pursuant to Section 731.200(c), unless otherwise ordered by an Administrative Law Judge or the Commission, if the Administrative Law Judge or Commission determines that there is good cause to delay the proceeding, the Commission shall initiate a proceeding and schedule a prehearing conference (see 83 Ill. Adm. Code 200.300) to occur no more than 21 days after the initiation of the proceeding. The carrier submitting the plan shall be a party to the proceeding. Other parties may

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intervene, pursuant to the Commission's Rules of Practice (83 Ill. Adm. Code 200). The proceeding will be scheduled, unless otherwise ordered by the Administrative Law Judge or the Commission, if the Administrative Law Judge or Commission determines that there is good cause to delay the proceeding, so that a proposed order is presented to the Commission by the Administrative Law Judge no later than 6 months after the date of the initiation of the proceeding. The purpose of the investigation or review shall be to determine if a carrier's plan complies with the requirements of Subparts B, C, D and E of this Part.

Section 731.220 Wholesale Service Quality Plan Filing Requirements

- a) The wholesale service quality plan filing requirements set forth in this Section are designed to assist the Commission and Commission Staff in performing a review of wholesale service quality plan filings under this Part. Information and schedules contained in the filing requirements may be designed to provide evidence to support the carrier's position or to provide supplemental information to facilitate the Commission Staff's review of the filing. The information supplied under the filing requirements shall not be construed as evidence or made part of the record unless it is offered by a party under the applicable Commission rules (83 Ill. Adm. Code 200.610 to 200.700).
- b) Each carrier subject to this Subpart shall, on the date specified in Section 731.205 for the filing of its wholesale service quality plan, file the prepared direct testimony and exhibits of carrier personnel and any expert witnesses in support of the carrier's plan. Prepared direct testimony shall be in compliance with the Commission's Rules of Practice (83 Ill. Adm. Code 200). The pre-triennial filing requirements of this subsection shall only apply to the initial filings under Section 731.205(a) and the initial filing under Section 731.205(b), and shall not apply to any interim filing prior to the end of a triennial period. At a minimum, the prepared direct testimony and exhibits shall address and/or include the following:
 - 1) The carrier's wholesale service quality record over the last two years, including a summary of performance and of any remedy payments or credits paid, given and/or assessed over that time period;
 - 2) All changes to the carrier's wholesale service quality plan most recently approved by the Commission or, if the carrier does not have a previously approved wholesale service quality plan but does have a preexisting plan, all changes to the carrier's preexisting plan, and the basis for all such changes relied upon by the carrier;

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- 3) Compliance of the carrier's wholesale service quality plan with the requirements of Subpart C of this Part;
 - 4) Compliance of the carrier's wholesale service quality plan with the criteria for review described in Subpart D of this Part;
 - 5) A listing of proposed changes to the carrier's existing wholesale service quality plan;
 - 6) The probable impact of proposed changes to the carrier's existing wholesale service quality plan; and
 - 7) Support for the impact of proposed changes.
- c) Waiver of filing requirements
- 1) Requests for waivers from these filing requirements shall be filed with the Commission at least 60 days prior to the filing of the plan for which the waiver would be effective, if granted. Requests for waivers will be acted on by the Commission or, if directed by the Commission, the Manager of the Administrative Law Judge (ALJ) Division or his or her appointed representative (Administrative Law Judge) and shall be in writing.
 - 2) A request for waiver of any of the provisions of these filing requirements shall be in writing, verified, and must set forth the specific reasons in support of the request. The Commission or ALJ (where directed by the Commission) shall grant the request for a waiver upon good cause shown by the carrier. In determining whether good cause has been shown, the Commission or ALJ shall consider, among other things:
 - A) Whether other information the carrier would provide if the waiver is granted permits the Commission Staff to review the filing in a complete and timely manner;
 - B) The degree to which the information that is the subject of the waiver request is maintained by the carrier in the ordinary course of business or is available to it from the information that it maintains; and

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- C) The expense to the carrier in providing the information that is the subject of the waiver request.
- 3) Proprietary and confidential information. Any data, information or studies that is confidential, proprietary or trade secret in nature shall be so marked by the carrier. The carrier shall separate from its filing that information marked as confidential, proprietary or trade secret in nature from the material that is to be made public.

Section 731.230 Effective Wholesale Service Quality Plan Pending Review and Approval by the Commission

- a) For a carrier with a preexisting plan, its preexisting plan shall be its effective wholesale service quality plan from the effective date of this Part through the effective date of its plan due to be filed on or before June 1, 2004, under Section 731.205.
- b) For a carrier designated by the Commission as a Level 1 carrier pursuant to Sections 731.110 and 731.635, that carrier shall not have an effective plan pending the effective date of its initial plan to be filed under Section 731.205 unless the Commission orders or establishes an interim wholesale service quality plan. If the Commission orders an interim wholesale service quality plan under Section 731.635, the interim wholesale service quality plan shall be that carrier's effective wholesale service quality plan pending the effective date of its plan to be filed under Section 731.205.

SUBPART C: PLAN REQUIREMENTS FOR LEVEL 1 CARRIERS

Section 731.300 Applicability of Subpart C

The provisions of Subpart C are applicable to all Level 1 carriers.

Section 731.305 General Plan Requirements

Each wholesale service quality plan shall include, at a minimum, the following components:

- a) A comprehensive set of wholesale measures and standards covering all necessary parts of a carrier's interaction with its wholesale customers. These measures and standards should include, but not be limited to, the following activities: pre-

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ordering, ordering, provisioning, maintenance and repair, billing, and change of management. (See Section 731.310.)

- b) Fully defined business rules on a per measure basis that are sufficient to describe what is being reported by the measure. Business rules shall include an applicable title, detailed definition, any exclusions, applicable standards or benchmarks, levels of disaggregation, and the specific calculation methodology used by the carrier. (See Section 731.315.)
- c) Self-executing remedy provisions deemed sufficient to modify a Level 1 carrier's actions in the event of noncompliance with the standards contained in the plan. (See Section 731.320.)
- d) Established benchmarks and standards on a per measure basis that set forth the minimum performance level the carrier intends to provide. (See Section 731.315.)
- e) Reporting policies and procedures so that all parties understand exactly when and how the Level 1 carrier will report data. (See Section 731.325.) These policies and procedures shall also cover data and remedy restatements in addition to the regular monthly reporting of carrier performance.
- f) A review process scheduled at regular intervals (i.e., month) by which parties may propose changes to the performance measures contained in the wholesale service quality plans as changes occur in the industry.
- g) Audits scheduled at regular intervals (i.e., annually, biannually) to ensure that the data reported by the carrier is valid, reliable and adheres to the published business rules. (See Section 731.330.) The carrier must retain for three years, for purposes of regular audits, the original source data used to calculate the performance measurement results in its original, raw, or unmodified form. Regular audits shall validate both the measure data being reported as well as the remedy calculations.

Section 731.310 Types of Service Covered

The types of service to be covered for a Level 1 carrier shall include, but not be limited to, wholesale service covered in the carrier's most recent wholesale service quality plan approved pursuant to this Part or, if the carrier does not have a wholesale service quality plan approved pursuant to this Part but does have a preexisting plan, wholesale service covered in the carrier's preexisting plan. The services to be covered for a Level 1 carrier shall include wholesale special access service and shall include wholesale special access measures for ordering, provisioning,

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maintenance and repair. The Commission may, for good cause shown, as is defined in Section 731.105, include wholesale service not yet provided by the carrier (including but not limited to emerging service) or exclude specific wholesale service in approving each carrier's wholesale service quality plan.

Section 731.315 Measures and Standards

Each wholesale service quality plan shall include measures and standards consistent with the requirements of Section 731.305(a). The specific measures and standards included in each wholesale service quality plan shall be as determined by the Commission pursuant to Section 731.505. No measures or standards may be added, modified, or deleted from a wholesale service quality plan approved by the Commission pursuant to Subpart E without the review and approval of the Commission.

Section 731.320 Remedies

Each wholesale service quality plan shall include self executing remedy provisions consistent with the requirements of Section 731.305(c). The specific remedy provisions included in each wholesale service quality plan shall be determined by the Commission in accordance with this Part. The remedy provisions included in the plan filed by a Level 1 carrier shall be consistent with the remedy provisions included in the plan most recently approved pursuant to this Part by the Commission or, if such carrier does not have a wholesale service quality plan approved pursuant to this Part but does have a preexisting plan, the remedy provisions included in such carrier's preexisting plan. No changes may be made to the remedy provisions included in any plan approved by the Commission without the review and approval of the Commission.

Section 731.325 Reporting

- a) Each carrier's wholesale service quality plan shall provide that the Level 1 carrier will report monthly data to the Commission and to each carrier purchasing wholesale service. At a minimum, the monthly data shall include the total number of transactions on a per measure basis, the number of instances in which standards contained in the Level 1 carrier's wholesale service quality plan were not met on a per measure basis, and calculations supporting any remedies paid pursuant to the wholesale service quality plan. Although aggregate data must be made available to the Commission and all carriers purchasing wholesale service, carrier specific data shall only be made available to the Commission and carriers for their own (i.e., the purchasing carrier's) business transactions.

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- b) Each carrier's wholesale service quality plan shall indicate the process it will follow each month for reporting, including, without limitation, the date performance data and remedy amounts will be made available. The reporting process shall also include the timelines and procedures the carrier will follow when making data and or remedy restatements.

Section 731.330 Auditing

- a) Each wholesale service quality plan approved by the Commission shall comply with the requirements of Section 731.305(g). All plans must also provide for periodic audits of the wholesale performance data by an independent auditing firm, include the frequency and scope of the required audits, and indicate responsibility for payment of audits. Audits shall be provided for the measures being reported, as well as for any remedy payments. Level 1 carriers shall follow the auditing requirements set forth in their respective wholesale service quality plans. Each plan shall provide for Commission initiated audits, pursuant to Section 8-102 of the Act [220 ILCS 5/8-102], as well as audits initiated by requesting carriers. Payment for Commission-initiated audits shall be pursuant to Section 8-102 of the Act.
- b) Level 1 carriers shall retain all records required to support wholesale performance relative to this Part for at least three years. Audits are necessary to ensure that data reported by the carriers are valid and reliable and that they adhere to the carrier's filed plan.

SUBPART D: PROVISIONS APPLICABLE TO ALL LEVEL 1 CARRIERS

Section 731.400 Applicability of Subpart D

The provisions of Subpart D are applicable to all Level 1 carriers.

Section 731.405 Treatment and Effect of Wholesale Service Emergency Situations

The standards contained in any plan will not be considered to be violated for the period of any delay due to a wholesale service emergency situation. Notwithstanding anything to the contrary in this Part, in those situations where a standard cannot be satisfied at all as a result of a wholesale service emergency situation, the failure to satisfy such standard shall not be deemed to be a violation of the applicable standard set forth in the plan.

Section 731.410 Additional Reporting Requirements

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- a) A wholesale service quality plan approved pursuant to Subpart E shall be posted to both the Commission's web site, with a reference and a link to the pertinent carrier's wholesale service quality plan at its web site and the Level 1 carrier's web site no more than 30 days after entry of the Commission's order approving such plan.
- b) Performance relative to a Level 1 carrier's wholesale service quality plan shall be posted to the Level 1 carrier's web site and made available to the Commission and other carriers on a monthly basis. Level 1 carriers shall also make available to the Commission both aggregate and individual carrier performance data and shall make available to other carriers access to the aggregate data and their own performance data.
- c) Additionally, Level 1 carriers shall report the following information monthly to the Commission:
 - 1) The total dollar amount of wholesale service quality remedy payments and credits paid, given and/or assessed;
 - 2) The five highest dollar credit and payment amounts assessed and/or paid on a per measure basis;
 - 3) Any wholesale service quality remedy payments and credits not included in the amount reported under subsection (c)(1) but claimed due or owing by purchasing carriers; and
 - 4) Any changes to previously reported metrics data or remedy payments or credits made by the carrier during the past month and a detailed explanation for why the changes to previously reported metrics data or remedy payments or credits occurred.

Section 731.420 Effect of Interconnection Agreements

- a) A Level 1 carrier may provide wholesale service that does not conform to its wholesale service quality plan to another carrier pursuant to an interconnection agreement, if subsections (a)(1) through (a)(4) are met:

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- 1) the two carriers negotiated the interconnection agreement or an amendment to their interconnection agreement after the effective date of this Part;
 - 2) that interconnection agreement expressly references this Section;
 - 3) that interconnection agreement sets forth how the standards and requirements contained in the Level 1 carrier's wholesale service quality plan do not apply to the carrier-signatories to the interconnection agreement; and
 - 4) the changes in that agreement to the Level 1 carrier's wholesale service quality plan are not contrary to the public interest.
- b) The standards and measures in this Subpart shall apply to: negotiated agreements or amendments to interconnection agreements effective after the effective date of this Part; negotiated interconnection agreements that do not expressly reference this Section; and negotiated agreements that do not expressly amend any of the standards and requirements contained in this Subpart.

SUBPART E: COMMISSION REVIEW AND APPROVAL OF
PLANS FOR LEVEL 1 CARRIERS**Section 731.500 Applicability of Subpart E**

The provisions of Subpart E are applicable to all Level 1 carriers.

Section 731.505 Commission Review and Approval of Wholesale Service Quality Plans

- a) Approval. Following hearings on each plan or petition filed or any proceeding commenced pursuant to Section 731.205, the Commission shall approve a wholesale service quality plan for each carrier. The plans approved by the Commission may be those plans as filed by the Level 1 carriers or as modified by the Commission.
- b) Basis for approval. In approving a wholesale service quality plan for each carrier, the Commission shall address and consider each of the following:

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- 1) Whether the plan contains articulated, pre-determined measures and standards that encompass a comprehensive range of carrier-to-carrier performance;
- 2) Whether each measure has an articulated definition, or "business rule", that sets forth the manner in which the data are to be collected by the carrier, lists any relevant exclusions, and states the applicable performance standards;
- 3) Whether the plan contains a mechanism that detects and sanctions noncompliant performance when it occurs on both an individual measure and aggregate basis;
- 4) Whether the plan subjects the Level 1 carrier to potential monetary liability that provides an incentive to comply with the designated performance standards;
- 5) Whether liability under the plan's enforcement mechanism would actually accrue at significant monetary levels when performance standards are missed;
- 6) Whether the plan contains a self-executing mechanism;
- 7) Whether the plan provides for data to be accurate and it provides that the reported data are able to be audited;
- 8) Whether the plan complies with the requirements set forth in Subparts B, C, D, and E of this Part, including but not limited to Section 731.305.

SUBPART F: OBLIGATIONS OF LEVEL 2 CARRIERS

Section 731.600 Applicability of Subpart F

The provisions of Subpart F are applicable to all Level 2 carriers.

Section 731.605 Types of Service Covered by and Exemption from Reporting Requirements from Subpart F

Types of service covered. Unless otherwise indicated in this Subpart, the provisions of Subpart F are applicable to a Level 2 carrier to the extent the Level 2 carrier provides or offers the

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applicable service. Level 2 carriers shall be subject to wholesale service quality standards as provided in this Subpart for the following wholesale services, to the extent the carrier offers or provides the service:

- a) Unbundled local loops;
- b) Interconnection trunks;
- c) Resold local services;
- d) Collocation;
- e) Loss notification; and
- f) Customer service record.

Section 731.610 Measures and Standards under Subpart F

- a) Firm order confirmations
 - 1) Level 2 Carriers shall provide FOCs or reject notices for wholesale service within the following timeframes, as measured from the time of receipt of an accurate and complete service request to the return of an FOC or reject notice:
 - A) Unbundled local loops – within 24 hours
 - B) Interconnection trunks – within 10 business days
 - C) Resold local service – within 24 hours
 - D) Collocation – within 10 business days
 - 2) The start time for requests received after the end of the business day will be the beginning of the next business day.
 - 3) There are two types of reject notices that may be issued by a carrier:
 - A) Syntax, which occurs if required fields are not included in a service request; and

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- B) Content, which occurs if invalid data is provided in a field.
- 4) A rejected service request must be corrected and resubmitted before provisioning can begin.
- b) Provisioning
- 1) Level 2 carriers shall provision wholesale service within the following timeframes, as measured from the time of receipt of a complete and accurate service request to completion of the requested service:
 - A) Unbundled local loops – within five business days
 - B) Interconnection trunks – within 30 business days
 - C) Resold local service – within five business days
 - D) Collocation – within 90 business days after a provisioning carrier’s receipt of an affirmative written response from the requesting carrier as to the terms of collocation.
 - 2) The required due date is the later of the last day of the interval set forth in subsection (b)(1) or the provisioning date requested by the wholesale customer.
 - 3) The provisioning intervals in subsection (b)(1) will not apply if the Level 2 carrier demonstrates that the requests are not technically feasible, i.e., physically impossible to undertake, and/or that the requested facilities are not available.
 - 4) Except where otherwise agreed to, in writing, by the carriers, when a loop must be conditioned to remove bridge taps and load coils in order to provide a digitally capable loop or HFPL, the providing carrier must provide the conditioned (digitally capable) loop or HFPL within eight business days after receipt of an accurate and complete service request, rather than within five business days as set forth in subsection (b)(1). However, provisioning intervals do not apply to digitally capable loops and HFPL when conditioning of the loop to meet the request would result

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in a significant degradation of the voiceband service that the Level 2 carrier is providing over that same loop.

- c) Maintenance and repair
 - 1) Level 2 carriers shall clear wholesale out of service trouble reports within the following intervals, as measured from the time of receipt of an accurate and complete trouble report to the time the trouble report is cleared:
 - A) Unbundled local loops – within 24 hours
 - B) Interconnection trunks – within eight hours
 - C) Resold local service – within 24 hours
 - D) Collocation – within eight hours
 - 2) All non-out of service (i.e., service affecting) trouble reports must be cleared by the end of the next business day after receipt of a non-out of service trouble report.
 - 3) For a trouble report to be considered complete, the wholesale customer must provide the carrier:
 - A) the end user customer's telephone number;
 - B) the carrier's circuit identification number; and
 - C) a detailed description of the trouble conditions and other trouble prescreening information.
- d) Loss notifications. Upon receipt of information that a customer has switched carriers, the customer's new Level 2 carrier shall provide loss notification within the following timeframes:
 - 1) UNE-platform – within 24 hours
 - 2) Resale – within 24 hours

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- e) Customer service record (CSR). Level 2 carriers shall provide CSRs to the carriers requesting the CSR within 24 hours after the receipt of that request.
- f) The standards set forth in this Section shall not be considered to be violated for the period of any delay resulting from any the following:
 - 1) A negligent or willful act on the part of the wholesale customer or the end user retail customer;
 - 2) A malfunction of equipment owned or operated by the wholesale customer or the end user retail customer;
 - 3) A wholesale service emergency situation or a situation extended by a wholesale service emergency situation to the extent that the wholesale service emergency situation extends another type of situation;
 - 4) The wholesale customer missing an appointment, provided that the violation is not further extended by the carrier;
 - 5) A wholesale customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;
 - 6) A carrier's right to refuse service to a wholesale customer as provided in an interconnection agreement, a wholesale service quality plan, or under applicable federal or State law; or
 - 7) A lack of facilities where a wholesale customer requests service at a geographically remote location; a wholesale customer requests service in a geographic area where the carrier is not currently offering service; or there are insufficient facilities to meet the wholesale customer's request for service, subject to the carrier's obligation for reasonable facilities planning and the wholesale customer's obligation for forecasting.
- g) Notwithstanding anything to the contrary in this Subpart, in those situations where a standard cannot be satisfied at all as a result of the occurrence of any of the causes identified in subsection (f), the failure to satisfy such standard shall not be deemed to be a violation of the applicable standard set forth in this Section.

Section 731. 615 Remedies under Subpart F

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If a Level 2 carrier fails to comply with Section 731.610, it shall provide credits to the purchasing carrier in the following amounts:

- a) For firm order confirmation and reject notice failures, Level 2 carriers shall provide credits equal to 20% of the monthly recurring charge for the service covered in Section 731.610(a);
- b) For provisioning failures, Level 2 carriers shall provide credits equal to 20% of the monthly recurring charge for each day beyond the timeframe set forth in Section 731.610(b) that the Level 2 carrier fails to provision a wholesale service covered in Section 731.610(b);
- c) For maintenance and repair failures, Level 2 carriers shall provide credits equal to 20% of the monthly recurring charge for each day beyond the timeframe set forth in Section 731.610(c)(1) and (c)(3) that the Level 2 carrier fails to clear a wholesale out of service trouble report for the services covered in Section 731.610(c)(1) and (c)(3) and 10% of the monthly recurring charge for every eight hours beyond the timeframe set forth in Section 731.610(c)(2) and (c)(4) that the Level 2 carrier fails to clear a wholesale out of service trouble report for the services covered in Section 731.610(c)(2) and (c)(4);
- d) For loss notification failures, Level 2 carriers shall provide a credit of \$1 per failure; and
- e) For customer service record failures, Level 2 carriers shall provide a credit of \$1 per failure.

Section 731.620 Reporting under Subpart F

- a) Each Level 2 carrier shall report monthly results on a quarterly basis to the Commission. At a minimum, the information reported shall include:
 - 1) The total dollar amount of wholesale service quality credits on a per measure basis;
 - 2) Any wholesale service quality credits not included in the amount reported under subsection (a)(1) but claimed due or owing by purchasing carriers;

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- 3) The level of performance on an aggregate basis by measure (or as a whole with respect to all measures for service provided to all wholesale customers); and
 - 4) The top 3 carriers receiving wholesale service quality credits from the Level 2 carrier.
- b) Each Level 2 carrier shall also report monthly data on a quarterly basis to carriers purchasing wholesale services. At a minimum, the monthly data shall include the number of reportable transactions, the number of instances in which standards contained in Section 731.610 were not met, and all calculations supporting remedies paid as a result of Section 731.615.
- c) Each carrier shall provide to the Commission, on a triennial basis (to be calculated three years from the effective date of this Part), a business rule document for each measure it reports. These business rule documents describe what is being reported by the measure and compliant with the standards set out in Section 731.610. The business rules shall include an applicable title, detailed definition, any exclusions, levels of disaggregations and the specific calculation methodology used by the carrier.

Section 731.625 Auditing under Subpart F

- a) Carriers purchasing wholesale service from a Level 2 carrier may request an independent audit of the reported results. To the extent the independent audit confirms the specific concern of the carrier purchasing wholesale service from a Level 2 carrier, as specifically identified in writing to the Level 2 carrier prior to requesting the audit, the Level 2 carrier shall be responsible for the cost of the independent auditor associated with the specific concern identified in writing prior to the audit. If the independent auditor does not confirm the concern of the carrier purchasing wholesale service from a Level 2 carrier, the carrier purchasing wholesale services will be responsible for the cost of the independent audit. Any dispute over payment of audit costs will be resolved by the Commission pursuant to a petition filed with the Commission by either party pursuant to 83 Ill. Adm. Code 200.
- b) Carrier-initiated audits of a Level 2 carrier's records shall be limited to no more than two per calendar year per purchasing carrier.

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- c) A Level 2 carrier shall make all records required by this Part available to the Commission or its authorized representatives at any time upon request. A carrier shall make customer proprietary network information available to the Commission. A carrier shall retain all records required by this Part for at least three years.

Section 731.630 Effect of Interconnection Agreement

If a Level 2 carrier provides wholesale service to another carrier pursuant to an interconnection agreement and those carriers have negotiated the interconnection agreement or an amendment to the interconnection agreement after the effective date of this Part that expressly references this Section and it amends any of the standards and requirements contained in this Subpart, those standards and requirements contained in this Subpart shall not apply to such carriers if, but only to the extent that, it is so provided in the interconnection agreement or amendment, and provided further that the changes from or to the standards and requirements contained in this Subpart are not contrary to the public interest. The standards and measures in this Subpart shall apply to: negotiated agreements or amendments to interconnection agreements effective after the effective date of this Part; negotiated interconnection agreements that do not expressly reference this Section; and negotiated agreements that do not expressly amend any of the standards and requirements contained in this Subpart.

Section 731.635 Application of Level 1 Requirements to Level 2 Carriers and Conversion to Level 1

If a Level 2 carrier is asked to or required to provide wholesale services other than those set forth in Section 731.610, it must petition the Commission for a determination as to whether it should be required to comply with Level 1 requirements for the provision of the service or services in question.

- a) A Level 2 carrier may be required to comply with some or all of the Level 1 requirements established in Subparts B, C, D, and E of this Part only after the Commission considers and rules upon the following items:
- 1) The technical feasibility of compliance with each Subpart B, C, D, and E requirement;
 - 2) The economic feasibility of compliance with each Subpart B, C, D, and E requirement;

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- 3) The expected volume of wholesale service activity to be provisioned by the Level 2 carrier;
 - 4) Whether the benefits expected to accrue to requesting carriers justify the costs expected to be incurred by the provisioning carrier to comply with each Subpart B, C, D, and E requirement; and
 - 5) With which Subpart B, C, D, and E requirements that carrier must comply and within what time period.
- b) A carrier directed pursuant to a Commission order to comply with all of the requirements of Subparts B, C, D, and E shall be a Level 1 carrier effective 90 days after the date of the Commission's order unless a different conversion date is specified in the Commission's order. A carrier directed pursuant to a Commission order to comply with some but not all of the requirements of Subparts B, C, D, and E shall remain a Level 2 carrier, but shall, unless a different time period is provided in the Commission's order, comply with such Level 1 requirements as directed by the Commission commencing 90 days after the date of the Commission's order.
- c) In any proceeding to determine whether a carrier should be required to comply with some or all of the Level 1 requirements established in Subparts B, C, D, and E of this Part, the Commission may order or establish an interim wholesale service quality plan and determine its effective date.

SUBPART G: PROVISIONS APPLICABLE TO LEVEL 3 CARRIERS

Section 731.700 Applicability of Subpart G

The provisions of Subpart G are applicable to all Level 3 carriers. Subparts B, C, D, E, and F of this Part shall not apply to LECs with rural exemptions pursuant to section 251(f) of the federal Telecommunications Act.

Section 731.705 Conversion to Level 2

- a) A carrier whose rural exemption is terminated by a Commission order pursuant to section 251(f) of the federal Telecommunications Act will become a Level 2 carrier and shall comply with all of the Level 2 requirements established in Subpart F of this Part effective 90 days after the date of the Commission's order,

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unless the Commission makes a determination that there is good cause to delay and that a different time period is necessary.

- b) Notwithstanding subsection (a), a Level 3 carrier whose rural exemption is terminated by a Commission order pursuant to section 251(f) of the federal Telecommunications Act may petition the Commission for an exemption from some or all of the Level 2 requirements established in Subpart F of this Part. The burden of proof in establishing the right to an exemption under this subsection shall be upon the petitioner. The petition shall include facts demonstrating that the requested exemption would not harm consumers and will not impede the development or operation of a competitive market. In ruling on any such petition, the Commission shall consider and rule upon the following items, when applicable:
- 1) The technical feasibility of compliance with each Subpart F requirement;
 - 2) The economic feasibility of compliance with each Subpart F requirement;
 - 3) The expected demand for wholesale service covered under Subpart F;
 - 4) Whether the benefits accrued to competing carriers justify the costs incurred by that carrier necessary to comply with each Subpart F requirement;
 - 5) With which Subpart F requirements that carrier must comply and within what time period; and
 - 6) Whether the carrier needs to comply with Subpart F if the carrier enters into an agreement with a competing carrier whereby the competing carrier agrees to accept different wholesale service quality standards than those contained in Subpart F.

SUBPART H: PROVISIONS APPLICABLE TO LEVEL 4 CARRIERS

Section 731.800 Applicability of Subpart H

The provisions of Subpart H are applicable to all Level 4 carriers.

Section 731.805 Types of Service Covered by and Exemption from Certain Subparts

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Services Covered. Level 4 carriers shall be subject to the wholesale service quality standards as provided in this Subpart for the following services, to the extent the carriers offer or provide the service:

- a) Customer service record;
- b) Unbundled loop return; and
- c) Loss notification.

Section 731.810 Measures and Standards under Subpart H

Level 4 carriers shall be subject to the following wholesale service measures and standards as provided for the following types of service, to the extent the carriers offer or provide the service:

- a) Unbundled loop return for less than 20 loops – within 24 hours
- b) Unbundled loop return for 20 or more loops – within 48 hours
- c) Loss notification – within 24 hours
- d) Customer service record – within 24 hours

Section 731.815 Remedies under Subpart H

- a) If a Level 4 carrier fails to comply with Section 731.810, it shall provide credits to the purchasing carrier in the following amounts:
 - 1) Unbundled loop return – \$1 per failure
 - 2) Customer service record failures – \$1 per failure
 - 3) Loss notification – \$1 per failure
- b) Subparts B, C, D, E, F, and G of this Part shall not apply to Level 4 carriers (LECs without obligations pursuant to section 251(c) of the federal Telecommunications Act and that are not Level 3 carriers).

Section 731.820 Application of Level 2 Requirements to Level 4 Carriers and Conversion to Level 2

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- a) If a Level 4 carrier receives a bona fide request for wholesale service and either agrees to provide that service or is obligated to provide that service under the Act or the federal Telecommunications Act, that carrier may be required, after notice and hearing, to comply with some or all of the Level 2 requirements established in Subpart F. In connection with any such hearing, the Commission shall consider and rule upon each of the following items:
- 1) The technical feasibility of compliance with each Subpart F requirement;
 - 2) The economic feasibility of compliance with each Subpart F requirement;
 - 3) The expected demand for wholesale service covered under Subpart F;
 - 4) Whether the benefits accrued to competing carriers justify the costs incurred by that carrier necessary to comply with each Subpart F requirement;
 - 5) With which Subpart F requirements that carrier must comply and within what time period; and
 - 6) Whether the carrier needs to comply with Subpart F if the carrier enters into an agreement with a competing carrier whereby the competing carrier agrees to accept different wholesale service quality standards than those contained in Subpart F.
- b) A carrier directed pursuant to a Commission order to comply with all of the requirements of Subpart F shall become a Level 2 carrier effective 90 days after the date of the Commission's order unless the Commission determines that good cause for delay exists and a different time period is necessary and a different conversion date is specified in the Commission's order. A carrier directed pursuant to a Commission order to comply with some but not all of the requirements of Subpart F shall remain a Level 4 carrier, but shall, unless the Commission determines that a different time period is necessary and a different time period is provided in the Commission's order, comply with such Level 2 requirements as directed by the Commission commencing 90 days after the date of the Commission's order.

SUBPART I: PROVISIONS APPLICABLE TO ALL CARRIERS

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Section 731.900 Applicability of Subpart I

Subpart I is applicable to all carriers.

Section 731.905 Notice of Termination of Wholesale Service

Except where otherwise agreed to, in writing, by the carriers, no provisioning carrier offering or providing wholesale service to a requesting carrier shall terminate, discontinue, or abandon the service once initiated except upon at least 35 days prior written notice (the termination notice) to the Commission and the requesting carrier. Notwithstanding anything to the contrary in this Section, no termination notice shall be required for interruptions in service due to wholesale service emergency situations. Nothing in this Section shall be construed to abrogate or diminish the rights and obligations of a carrier under the Act or Commission rules (including, without limitation, Section 13-406 of the Act [220 ILCS 5/13-406] and 83 Ill. Adm. Code 735).

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: 140.19 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 92-0789
- 5) Complete Description of the Subjects and Issues Involved: This proposed rulemaking pertaining to participation in the Department's Medical Assistance Program is being filed pursuant to Public Act 92-0789. The proposed amendments have two primary purposes.

The changes provide that if a vendor has been terminated from the Medical Assistance Program because of a felony conviction related to health care, the vendor shall be precluded from participation in the program for five years or for the length of the vendor's sentence for that conviction, whichever is longer. The changes also provide that if a vendor has been terminated a second time from the Medical Assistance Program, based upon a health care related felony conviction, the vendor shall be barred from participation in the program for life.

- 6) Will this proposed amendment replace any emergency amendments 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 amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.11	Amendment	October 31, 2003 (27 Ill. Reg. 16385)
140.13	Amendment	October 31, 2003 (27 Ill. Reg. 16385)
140.43	Amendment	October 31, 2003 (27 Ill. Reg. 16385)
140.71	Amendment	August 29, 2003 (27 Ill. Reg. 14065)
140.450	Amendment	September 12, 2003 (27 Ill. Reg. 14384)
140.492	Amendment	September 19, 2003 (27 Ill. Reg. 14776)
140.498	New Section	October 31, 2003 (27 Ill. Reg. 16385)

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- 10) Statement of Statewide Policy Objectives: These proposed amendments do 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:

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].

These proposed amendments 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: Vendors participating in the Medical Assistance Program will be affected by this rulemaking. The Department is unsure whether or not any of the affected entities may qualify as small businesses.
- 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: July 2003

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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 d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims

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- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Terminated, Suspended or Barred Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
- 140.55 Recipient Eligibility Verification (REV) System
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)

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- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

- Section
- 140.400 Payment to Practitioners

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140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
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140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
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140.441	Pharmacy Services Not Covered
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140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
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140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
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140.452	Mental Health Clinic Services
140.453	Definitions

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140.455	Payment for Mental Health Clinic Services
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- 140.495 Psychological Services
- 140.496 Payment for Psychological Services
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- 140.511 Long Term Care Services Covered By Department Payment
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- 140.528 Payment of Quality Incentive (Repealed)
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- 140.534 Ownership Costs
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140.536	Organization and Pre-Operating Costs
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140.538	Special Costs
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140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
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140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
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140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)

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140.901	Functional Areas of Needs (Recodified)
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140.903	Definitions (Recodified)
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140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
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140.909	Statewide Rates (Recodified)
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140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)

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140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
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140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
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140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill.

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Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302;

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amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241,

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effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September

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21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency

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amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002;

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amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

- a) A vendor that has been terminated from the Medical Assistance Program may not apply to participate for at least one year ~~after~~~~from~~ the date of the final administrative decision terminating eligibility, except that, if a vendor has been terminated based on a conviction of a violation of Article VIII A of the Public Aid Code [305 ILCS 5/Art. VIII A] or a conviction of a felony based on fraud or a willful misrepresentation related to subsection (a)(1), (2), (3) or (4) of this Section, the vendor shall be barred from participation for five years or for the length of the vendor's sentence for that conviction, whichever is longer.
- 1) The Medical Assistance Program under Article V of the Public Aid Code [305 ILCS 5/Art. V];
 - 2) A medical assistance program in another state that is the kind provided under Article V of the Public Aid Code;
 - 3) The Medicare program under Title XVIII of the Social Security Act; or
 - 4) The provision of health care services.
- b) After one year, a vendor who has been terminated for any reason, other than for the reasons in subsections (a)(1) through (4) of this Section, may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he or she shall be barred from again applying for reinstatement for one year ~~after~~~~from~~ the date of the final administrative decision denying his or her application for reinstatement.

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- cb) At the end of a period of suspension, a vendor that has been suspended from the Medical Assistance Program shall be reinstated upon completion of the necessary enrollment forms and execution of a new vendor agreement unless it is determined that such vendor has not corrected the deficiencies upon which the suspension was based. If the deficiencies have not been corrected, the vendor shall, after notice and hearing, be terminated. The notice in any termination action based on this Section shall notify the vendor of the deficiencies not corrected.
- de) An individual barred pursuant to Section 140.18 can apply to participate in the Medical Assistance Program. If an individual's application is denied by the Department or if he or she is denied special permission under Section 140.32, he or she shall be barred from again applying for one year ~~after~~from the date of the final administrative decision denying his or her application or special permission.
- ed) If a vendor has been terminated and reinstated to the Medical Assistance Program and the vendor is terminated a second or subsequent time from the Medical Assistance Program, the vendor shall be barred from participation for at least two years, except that, if a vendor has been terminated a second time based on a conviction of a violation of Article VIII A of the Public Aid Code [305 ILCS 5/Art. VIII A] or a conviction of a felony based on fraud or a willful misrepresentation related to subsection (a)(1), (2), (3) or (4) of this Section, the vendor shall be barred from participation for life.
- f) At the end of two years, a vendor who has been terminated for any reason, other than for the reasons in subsections (a)(1) through (4) of this Section, may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he or she shall be barred from again applying for reinstatement for two years ~~after~~from the date of the final administrative decision denying his or her application for reinstatement.

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

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- 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:

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].

These proposed amendments 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: Medicaid funded hospitals will be affected.
 - 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: These proposed amendments were not included on either of the two most recent agendas because:

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This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendment is identical to the text of the emergency amendment that appears in this issue of the *Illinois Register* on page 1418:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Superfecta
- 2) Code Citation: 11 Ill. Adm. Code 311
- 3) Section Number: 311.35 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: Currently, the rule prohibits the carding of a superfecta wager on races with fewer than seven betting interests at the start of the race. This prohibition does not apply to thoroughbred stakes races. This rulemaking would permit superfecta wagering on harness stakes races with a minimum purse of \$50,000 where no minimum field requirement is established.
- 6) Will this amendment replace any emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph Suite 11-100,
Chicago, Illinois 60601
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the most recent two regulatory agendas because: it was not anticipated when they were submitted.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 311
SUPERFECTA

Section

311.10	Superfecta
311.20	Pool Distribution
311.25	Scratches
311.30	Dead Heats
311.35	Minimum Fields
311.40	Entries

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective May 1, 1995; amended at 26 Ill. Reg. 4903, effective March 20, 2002; amended at 26 Ill. Reg. 12357, effective August 1, 2002; emergency amendment at 26 Ill. Reg. 14702, effective September 16, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 16854, effective November 15, 2002, for a maximum of 150 days; amended at 28 Ill. Reg. _____, effective _____.

Section 311.35 Minimum Fields

- a) Superfecta wagering shall be prohibited on races with fewer than seven betting interests at the start of the race.
- b) This Section shall not be applicable to thoroughbred stakes races or standardbred stakes races with a minimum purse of \$50,000.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Adult Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3)

<u>Section Numbers</u>	<u>Proposed Action</u>
3040.120	Amend
3040.140	Amend
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is to make literacy grant applicants aware that, while grant applications forms may be made available prior to the availability of funds, no grant award may be made prior to the receipt of appropriated funds by the Secretary of State. Also, the grant period shall be within the fiscal years the grant is awarded.
- 6) Will these amendments replace any emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking neither creates nor expands a State mandate on units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph A. Natale
Illinois State Library
Gwendolyn Brooks Building
300 S. Second
Springfield IL 62701
217-558-4185
jnatale@ilsos.net
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking affects public and private entities that apply for literacy grants since the rulemaking indicates grants will be awarded upon availability of funds.
- 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 agenda because: The need for the rulemaking developed in light of the ongoing State budget crisis.

The full text of the proposed amendments are identical to the text of the emergency amendments in this issue of the *Illinois Register* and is found on Page 1434:

ILLINOIS SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Secretary of State, Department of Personnel, Merit & Fitness
- 2) Code Citation: 80 Ill. Adm. Code 420
- 3) Section Number: 420.310 Proposed Action: Amendment
- 4) Statutory Authority: 15 ILCS 310
- 5) A Complete Description of the Subjects and Issues Involved: Amend rules to conform regulations to legislative enactment approved by the Governor on August 1, 2003 and effective immediately. In addition, technical changes, such as statutory references are being updated.
- 6) Will this proposed amendment replace any emergency rulemakings currently in effect?
Yes
- 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 amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rulemaking would bring consistency to statutory and regulatory provisions.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will full consider all comments received within 45 days of the date of this notice is published. All comments must be made in writing and should be sent to:

Stephan J. Roth, Senior Legal Advisor
Office of the Secretary of State
148 Howlett Building
Springfield IL 62756
(217) 782-1750
- 12) Initial Regulatory Flexibility Analysis:

ILLINOIS SECRETARY OF STATE

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- 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: Legislation was just enacted August 1, 2003, and since it concerns a change to the Rules of the Department of Personnel for the Secretary of State's Office, procedures required a public hearing be held and then the proposed rule changes be sent to the Secretary of State's Merit Commission for adoption.

The full text of the proposed amendment begins on the next page:

ILLINOIS SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER II: SECRETARY OF STATE

PART 420
DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section
420.10 Definitions

SUBPART B: CLASSIFICATION AND PAY

Section
420.200 Positions
420.210 Position Classification
420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section
420.300 Application and Examination
420.310 Appointment and Selection
420.320 Trainees
420.330 Intermittents
420.340 Continuous Service
420.350 Performance Review
420.360 Probationary Status
420.370 Promotions
420.380 Employee Transfers
420.390 Demotion
420.400 Layoffs and Reemployment
420.410 Voluntary Reduction
420.415 Sworn Personnel – Inter-Agency Assignment
420.420 Resignation and Reinstatement
420.430 Discipline, Discharge, and Termination
420.435 Return of State Property

ILLINOIS SECRETARY OF STATE

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SUBPART D: CONDITIONS OF EMPLOYMENT

Section	
420.600	Grievance Procedure
420.610	Sick Leave
420.620	Leave for Personal Business
420.630	On-The-Job Injury – Industrial Disease
420.640	Leaves of Absence Without Pay
420.645	Adoption/Child Care Leave
420.650	Limitations on Leaves of Absence
420.660	Leaves of Absence – Special
420.665	Leaves of Absence – Sworn Personnel – Inter-Agency Assignment
420.670	Leaves of Absence – Special – Salary
420.680	Employee Rights After Leave
420.690	Leave of Absence – Election to Public Office
420.700	Failure to Return From Leave of Absence
420.710	Military and Peace Corps Leave
420.720	Leave For Annual Military Reserve Training or Special Duty
420.730	Leave for Military Physical Examinations
420.740	Leave to Take Exempt Position
420.760	Disability Leave
420.770	Attendance in Court
420.800	Vacation
420.810	Work Schedules
420.820	Overtime
420.825	Temporary Assignment
420.830	Holidays

SUBPART E: GENERAL PROVISIONS

Section	
420.1000	Records
420.1010	Benefits
420.1030	Other Provisions

AUTHORITY: Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code [15 ILCS 310/10].

SOURCE: Emergency rule adopted December 29, 1977; amended at 3 Ill. Reg. 49, p. 159, effective October 1, 1979; amended at 4 Ill. Reg. 40, p. 219, effective December 1, 1980;

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amended at 6 Ill. Reg. 3302, effective March 16, 1982; amended at 6 Ill. Reg. 7494, effective June 16, 1982; amended at 7 Ill. Reg. 11526, effective September 7, 1983; codified at 8 Ill. Reg. 2653; recodified at 10 Ill. Reg. 15659; amended at 12 Ill. Reg. 6766, effective April 1, 1988; amended at 17 Ill. Reg. 1652, effective February 1, 1993; emergency amendment at 21 Ill. Reg. 1710, effective January 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5937, effective April 24, 1997; emergency amendment at 27 Ill. Reg. 18259, effective November 17, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. _____, effective _____.

SUBPART C: MERIT AND FITNESS

Section 420.310 Appointment and Selection

- a) Eligible Lists: The Department of Personnel shall establish and maintain lists of qualified applicants for positions covered by Jurisdiction B of the Code. Such applicants shall have successfully qualified through competitive examinations as provided in Section 420.300(a). The names of successful applicants shall be arranged in the order of their relative excellence whether by numerical grade or category grouping. The length of time an eligible's name may appear on the list shall be specified in the examination announcement.
- b) Responsibilities of Eligibles: It shall be the responsibility of each eligible to inform the Department of Personnel in writing of any changes in name, address or availability for employment.
- c) Geographical Preference: Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of examination or which may be made available at a later date.
- d) Removal of Names From Eligible Lists:
 - 1) The Director of Personnel shall remove names from an eligible list for any of the following reasons:
 - A) Appointment of an eligible from the eligible list;
 - B) Death of an eligible;
 - C) Notice by postal authorities that they are unable to locate the eligible at his last known address;

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- D) Attempt by an eligible to practice any deception or fraud in connection with an examination;
 - E) Evidence that the eligible lacks any of the qualifications required for the class for which he was erroneously declared eligible;
 - F) Request of an eligible to remove name;
 - G) The applicant's name has remained on the eligible list for twelve months.
- 2) Following are the only criteria by which the Director of Personnel may remove names from an eligible list. Eligibles shall be notified of such removal.
- A) Failure of an eligible, upon referral, to reply or to report for interview;
 - B) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department or the Department of Personnel;
 - C) Failure of an eligible, upon request, to furnish written evidence of availability for employment;
 - D) Specifying conditions of employment by an eligible which are not associated with the class for which eligible;
 - E) Refusal of an eligible to accept three separate offers of employment;
 - F) After an eligible has been passed over three times after referral to the same department for the appointment of an eligible lower on the eligible list, and the department concerned requests removal of the eligible from the list for good and sufficient cause;
 - G) Poor work history of eligible;
 - H) Former experience and history of eligible not compatible with duties and responsibilities of the class;

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- I) Physical inability of eligible to perform the duties and responsibilities of the class;
 - J) After eligible accepts promotion;
 - K) When a change in either classification or testing standards or other change requires such action;
 - L) Conviction of an eligible of a felony;
 - M) Addiction of an eligible to narcotics or to alcohol.
- e) Replacement of Names on Eligible List:
- 1) The Director of Personnel may restore a name to the same eligible list when such action would be in the best interest of the Office of the Secretary of State, including but not limited to:
 - A) Names of eligibles who, upon removal from list for failure to reply due to powers beyond control, did not receive referral in time to respond in the prescribed amount of time;
 - B) Names of veterans returning from active military service of not more than four years shall be restored to an eligible list for the same class if the request is made by the veteran within 90 days after discharge or from hospitalization continuing after discharge for not more than one year. The eligible must provide evidence of satisfactory completion of training and service when making the request and be qualified to perform the current duties of the class;
 - C) Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.
 - 2) Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time which is equal to the unexpired time remaining of the original eligibility.
- f) Appointment From Eligible List: When an appointment to a position is made

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from an eligible list resulting from an open competitive examination such appointment shall be made of the person standing among those who are available within the ~~10~~^{three} highest grades, if such list is in order of examination grade, or from the highest ranking group of three or more available eligibles, if such list is in category groupings, except as provided for under Section 420.310(g).

g) Extension of Jurisdiction B:

- 1) Employees in positions to which Jurisdiction B is extended pursuant to Sections 5d and 10d of the Merit Employment Code shall be continued in such positions and shall attain certified status therein provided they pass a qualifying examination prescribed by the Director of Personnel within six ~~(6)~~ months after such jurisdiction is extended and provided that they satisfactorily complete their respective probationary periods.
- 2) Appropriate standards for probationary appointments shall be prepared by the Director of Personnel and appointments of such employees shall be without regard to eligible lists and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by rankings instead of numerical ratings. Nothing herein shall preclude the reclassification or reallocation as provided by this Part of any position held by any such incumbent.

h) Appointments – Positions Subject to Jurisdiction B: Positions which are covered by Jurisdiction B of the Code shall be filled in one of the following ways:

- 1) By appointment of an applicant standing among the ~~10~~^{three} highest on an eligible list which is numerically rated;
- 2) By appointment of an applicant from the highest ranking group of ~~10~~^{three} or more available eligibles from an eligible list which is not numerically rated;
- 3) By present employees (May 24, 1977) who have passed examinations in accordance with the Personnel Code ~~[20 ILCS 415](Ill. Rev. Stat. 1981, ch. 127, pars. 63b101 et seq.)~~ under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;

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- 4) By present employees (May 24, 1977) who having been promoted in accordance with the rules under the Personnel Code under the Governor of the State of Illinois (23 Ill. Adm. Code 302) shall be continued in their positions without further examination;
- 5) By present employees (May 24, 1977) who having passed examinations in accordance with the Personnel Code under the Governor of the State of Illinois, but who have not completed the probationary period shall be continued in their positions and be given credit for such probationary time toward the completion of the probationary period provided by this Part;
- 6) By all other present employees subject to Jurisdiction B who shall be continued in their positions providing that they have passed a qualifying examination within nine ~~(9)~~ months after May 24, 1977;
- 7) By present employees (May 24, 1977) or past employees who have rights or privileges arising under the Personnel Code under the Governor of Illinois or through judicial process and who shall be continued in the extent of such rights and privileges;
- 8) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 420.370(b);
- 9) By emergency appointment for a period not in excess of ~~ninety (90)~~ calendar days to meet emergency situations. Emergency appointments may be made without regard to eligible lists. Such appointments may not be renewed;
- 10) By temporary appointments to positions which are temporary or seasonal in nature as determined by the Director of Personnel. Such appointments shall not exceed six ~~(6)~~ months out of any twelve month period;
- 11) By provisional appointments to positions without competitive examination when there is no appropriate eligible list. Provisional appointments may not exceed six ~~(6)~~ months out of any twelve month period;
- 12) By the transfer of employees from one position to another if the qualifications, responsibilities, duties and salary range are similar;
- 13) By reinstatement of persons who formerly held certified status under the

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Code, the Personnel Code ~~[20 ILCS 415](Ill. Rev. Stat. 1981, ch. 127, pars. 63b101 et seq.)~~, "~~An Act to create~~ the State Universities Civil Service ~~ActSystem"~~ ~~[110 ILCS 70](Ill. Rev. Stat. 1981, ch. 24 1/2, pars. 38b1 et seq.)~~, or the Comptroller Merit Employment Code ~~[15 ILCS 410](Ill. Rev. Stat. 1981, ch. 15, pars. 401 et seq.)~~. To be eligible for reinstatement, such persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems, except as provided in Section 420.430(k).

- 14) By reemployment of an employee whose name appears upon a reemployment list; such reemployment may be made to positions in the same or lower salary range as to that salary range applicable to the position from which the person to be reemployed was laid off; reemployment appointments shall be of qualified employees and shall be made after consideration of seniority and performance records;
 - 15) By the appointment of trainees into training programs approved by the Director of Personnel; such appointments may be made with or without examination of applicants; trainees do not acquire any rights under Jurisdiction B of the Code by virtue of trainee appointments;
 - 16) By the reduction in rank or class of an employee, for cause, with the prior approval of the Director of Personnel;
 - 17) By the transfer of active, certified employees from the jurisdictions of the Personnel Code of Illinois, the University Civil Service System, or the Comptroller Merit Employment Code, persons so transferred shall retain the same status under the Code as that which they held under their previous merit employment.
- i) Types of Status: The following types of appointments may be made by the Director.
- 1) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 5d and 10d of the Code, such employee shall establish eligibility for such position by passing satisfactorily a qualifying examination prescribed by the Director of Personnel within six ~~(6)~~ months after the extension of Jurisdiction B to such position. In all other cases, if an exempt employee's position

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becomes subject to Jurisdiction B, such employee shall establish eligibility for such position within six ~~(6)~~ months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.

- 2) Emergency: For persons selected by departments to meet emergency situations. Such appointments shall not exceed ~~ninety (90)~~ days, shall not be renewed, and may be made without regard to an eligible list. Notices of selections and terminations shall be reported to the Director of Personnel.
 - 3) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than six ~~(6)~~ months out of any 12-month period.
 - 4) Provisional: For persons in positions for which there are fewer than ~~10~~three available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment for more than six months out of any 12-month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for such positions shall be established within 90 days through successfully competing in the open competitive examination and receiving a probationary appointment according to ~~subsection (i)(5) the applicable rules herein.~~
 - 5) Probationary: For persons appointed from an eligible list, for persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.
 - 6) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.
 - 7) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.
- j) Permanent Part-Time: Permanent part-time employees shall have all rights and benefits granted by Jurisdictions A, B and C based on the proration of the part-

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time scheduled hours against the normal 1957.5 hour work year.

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Procedures for Collection of Air Pollution Site Fees
- 2) Code Citation: 35 Ill. Adm. Code 251
- 3) Section Number: 251.202 Adopted Action: Amended
- 4) Statutory Authority: Section 9.6 of the Illinois Environmental Protection Act [415 ILCS 5/9.6]
- 5) Effective Date of Amendment: January 7, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is available for public inspection at the Illinois EPA's offices at 1021 North Grand Ave. East, Springfield, Illinois 62704.
- 9) Notice of Proposed Published in the Illinois Register: 3/14/03, 27 Ill. Reg. 4439.
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: A period was added at the end of the paragraph.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment alters the liability structure for owners and operators of affected sites where State operating permits are no longer required and are withdrawn within a prescribed time frame. Previously, a site owner or operator had to request withdrawal of the permit prior to the issuance of the site fee bill to avoid payment of the fee. This amendment prevents liability for a fee when the permittee requests withdrawal of the permit prior to the date the bill is due.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

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

Charles E. Matoesian
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 251
PROCEDURES FOR COLLECTION OF AIR POLLUTION SITE FEES

SUBPART A: INTRODUCTION

Section	
251.101	Purpose
251.103	Definitions

SUBPART B: PROCEDURES FOR BILLING AND COLLECTION OF
AIR POLLUTION SITE FEES

Section	
251.201	Amount of Air Pollution Site Fee
251.202	Withdrawal of Permits
251.203	Agency Billing Procedures
251.208	Time and Method of Payment
251.210	Form of Payment
251.212	Return of Site Fee (Repealed)
251.215	Prohibition Against Refund

SUBPART C: RESOLUTION OF DISPUTES

Section	
251.301	Request for Reconsideration
251.305	Effect of Request for Reconsideration
251.308	Agency Response
251.310	Appeal of Final Agency Action

AUTHORITY: Implementing Section 5 and authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/5 and 9.6].

SOURCE: Adopted at 10 Ill. Reg. 19968, effective November 14, 1986; emergency amendments at 13 Ill. Reg. 955, effective January 1, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 8867, effective May 30, 1989; amended at 22 Ill. Reg. 6652, effective March 31, 1998; amended at 28 Ill. Reg. 1370, effective January 7, 2004.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

SUBPART B: PROCEDURES FOR BILLING AND COLLECTION
OF AIR POLLUTION SITE FEES**Section 251.202 Withdrawal of Permits**

The owner or operator of a site remains liable for the annual site fee unless a request for withdrawal of all operating permits is made in writing to the Agency's Division of Air Pollution Control, Permit Section, prior to the ~~date the site fee becomes due. issuance of the annual site fee billing.~~

(Source: Amended at 28 Ill. Reg. 1370, effective January 7, 2004)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.40 Adopted Action: Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendment: January 19, 2004
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of this adopted amendment, including any material incorporated by reference, is available for public inspection at the IRB Central Office, 100 West Randolph, Suite 11-100, Chicago, Illinois, between the hours of 9:00 a.m. and 5:00 p.m.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 9106 – 6/13//03
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendment: This rulemaking makes the 24-hour medication ban apply to all horse races, not just the first race. In addition, the word "foreign" is being removed, with respect to hypodermic injection of a foreign substance because the intent of the rule is that no substance be administered by hypodermic injection to a horse within 24 hours.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Mickey Ezzo
James R. Thompson Center
100 W. Randolph St., Suite 11-100
Chicago IL 60601
312/814-2600

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective April 15, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. _____, effective January 19, 2004 .

Section 603.40 Twenty-four Hour Ban

Except as provided in Section 603.70:

ILLINOIS RACING BOARD

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- a) No ~~no foreign~~ substance shall be administered to a horse entered to race by hypodermic injection within 24 hours prior to the scheduled post time for the race in which the horse is entered.
- b) No foreign substance shall be administered to a horse entered to race, by oral administration, nasogastric tubing, topical administration ~~that~~which can penetrate the skin, rectal infusion, suppository, or inhalation, within 24 hours prior to the scheduled post time for the ~~first~~ race in which the horse is entered.

(Source: Amended at 28 Ill. Reg. _____, effective January 19, 2004)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Income Tax
 - 2) Code Citation: 86 Ill. Adm. Code 100
 - 3) Section Number: 100.2410 Adopted Action:
New Section
 - 4) Statutory Authority: 35 ILCS 5/1401
 - 5) Effective Date of Amendment: January 12, 2004
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this amendment contain incorporations by reference? No
 - 8) A statement that a copy of the adopted amendments, including any material incorporated, is on file in the agency's principal office and is available for public inspection.
 - 9) Notices of Proposal Published in Illinois Register: 27 Ill. Reg. 13754, August 15, 2003
 - 10) Has JCAR issued a Statement of Objection to this amendment? No
 - 11) Difference 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 agreements issued by JCAR? Yes
 - 13) Will this amendment replace an emergency rulemaking currently in effect? No
 - 14) Are there any amendments pending on this Part? Yes
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>IL Register Citation</u> |
|------------------------|------------------------|------------------------------|
| 100.5050 | New Section | 27 Ill. Reg. 15050, 09/26/03 |
| 100.5040 | Amendment | 27 Ill. Reg. 17970, 12/01/03 |
- 15) Summary and Purpose of Amendment: This rulemaking provides guidance on the Illinois income tax treatment of losses carried over or deferred from one taxable year to another

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

for federal income tax purposes, when those losses are allowed in computing base income of the taxpayer.

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

Paul Caselton
Deputy General Counsel – Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
217/782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

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

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

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

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

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

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

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

Section

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

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

DEPARTMENT OF REVENUE

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Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

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

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

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

Section

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

SUBPART J: COMPENSATION

Section

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

DEPARTMENT OF REVENUE

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

Section

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

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

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Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

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- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in

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Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years
(IITA Section 506)

100.5040 Innocent Spouses

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Section

100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

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Section

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

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

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

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100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
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100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section	
100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section	
100.7200	Reports for Employee (IITA Section 703)

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

Section	
100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
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100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)

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Section	
100.9000	General Income Tax Procedures (IITA Section 901)
100.9010	Collection Authority (IITA Section 901)
100.9020	Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section	
100.9100	Notice and Demand (IITA Section 902)

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SUBPART W: ASSESSMENT

- Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

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- Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

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

SUBPART Z: INVESTIGATIONS AND HEARINGS

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

SUBPART AA: JUDICIAL REVIEW

- Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

- Section
100.9700 Unitary Business Group Defined (IITA Section 1501)

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- 100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus
100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days;

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amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. _____, effective January 12, 2004.

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

Section 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)

- a) Scope. IITA Section 203 requires all taxpayers other than individuals to add back to their base income any carryover deduction taken in computing federal taxable income for a net operating loss incurred in a tax year ending prior to December 31, 1986. IITA Section 203(e) provides for adjustments to taxable income of taxpayers, other than individuals, related to deductions of net operating losses incurred in tax years ending prior to December 31, 1986. IITA Section 203(h)

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provides that, except as expressly provided by that subsection, there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income.

Accordingly, no taxpayer shall make any adjustment to, or otherwise increase or decrease, the amount properly allowed in computing adjusted gross income (for individuals) or taxable income (for all other taxpayers) on the taxpayer's federal income tax return for:

- 1) in the case of an individual, any net operating loss deduction carried over under IRC section 172; provided that (notwithstanding the amount of the federal net operating deduction claimed by the individual or allowed by the Internal Revenue Service), in order to prevent the double deduction of the same carryover as required by IITA Section 203(g) and Madison Park Bank v. Zagel, 97 Ill.App.3d 743 (1981), aff'd 91 Ill.2d 231 (1982), the deduction properly allowed in computing federal adjusted gross income in a taxable year may not exceed the amount that reduces the taxpayer's taxable income for that year to zero, after making the modifications specified in IRC section 172(b)(2)(A), and therefore shall not include any amount available to carry over to other taxable years under IRC section 172(b)(2);
- 2) capital losses carried over under IRC section 1212;
- 3) deductions allowed to a partner under IRC section 704(d) for his distributive share of a partnership loss that exceeded the adjusted basis in his partnership interest as of the end of the tax year in which the loss was incurred;
- 4) deductions allowed to a shareholder under IRC section 1366(d)(2) for his share of a loss or deduction of a Subchapter S corporation that exceeded his adjusted basis in the stock or indebtedness of the Subchapter S corporation in the year the loss or deduction was incurred;
- 5) passive activity losses allocated to tax years subsequent to the year in which the loss was incurred under IRC section 469(b);
- 6) deductions for losses in excess of amounts at risk allocated to years subsequent to the year incurred under IRC section 465(a)(2); and

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- 7) losses recognized as the result of adjustment events subsequent to a transaction governed by IRC section 338 and carried back pursuant to Treas. Reg. § 1.338(b)-3T(h)(2)(ii)(B).
- b) Allocation and Apportionment of Deductions.
- 1) Deductions described in subsection (a) of this Section that are taken into account in a taxable year shall be allocated and apportioned according to the facts and circumstances of that taxable year. A taxpayer may request alternative apportionment of business losses or deductions by filing a petition pursuant to Section 100.3390 of this Part.

Example 1: An individual incurs a federal net operating loss in 1995, when he is a nonresident. None of the individual's 1995 income is allocated or apportioned to Illinois. At the beginning of 1996, the individual moves to Illinois and becomes a resident. Any net operating loss carried forward from 1995 and deducted in computing the individual's 1996 federal adjusted gross income is allocated to Illinois pursuant to IITA Section 301(a), which in the case of a resident allocates to Illinois *all items of income or deduction which were taken into account in the computation of base income for the taxable year.*

Example 2: A nonresident individual conducts a business as a sole proprietorship. During 1998, the individual apportions 20% of his business income from the proprietorship to Illinois pursuant to IITA Section 304(a). In 2000, the business is conducted entirely outside Illinois and has no Illinois apportionment factor. If the individual incurs net operating loss in 2000 from the sole proprietorship and carries the loss back to 1998, 20% of the loss will be apportioned to Illinois.

Example 3: In 1999, a resident individual incurs a passive activity loss from rental of real estate located in Indiana. The individual's income from the property is nonbusiness income. At the beginning of 2000, the individual moves away from Illinois and becomes a nonresident. For federal income tax purposes, the individual is allowed to deduct the loss in 2000. Because the individual is not a resident, the deduction allowed in 2000 is allocated to Indiana under IITA Section 303(c)(1).

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Example 4: A nonresident individual incurs a federal net operating loss in 1995 from his investment in Partnership A. Partnership A has only business income. For 1995, Partnership A's Illinois apportionment factor under IITA Section 304 is 50%. For federal income tax purposes, the individual carries the net operating loss back to 1992. Partnership A's Illinois apportionment factor under IITA Section 304 is 25% for 1992. Accordingly, 25% of the individual's 1992 net operating loss is apportioned to Illinois.

- 2) Deductions arising in the same taxable year and subject to apportionment or allocation under different rules. When two or more deductions to which this Section applies arise in the same taxable year, but are apportioned or allocated under different rules, the amount of each such deduction carried over from that year shall be in proportion to the total of all such deductions arising in that year, and the amount of each such deduction allowed in a carryover year shall be in proportion to the total amount of such deductions carried over to that year from the same taxable year.

Example 5: In 2000, Corporation A engages in three capital transactions. In the first, it realizes \$700 in capital gain, which is characterized as business income. In the second, it incurs \$400 in capital loss, which is characterized as business income from the same business as the gain in the first transaction. In the third, it incurs \$600 in capital loss on real property located in Illinois, which is characterized as nonbusiness income allocable entirely to Illinois. Corporation A's apportionment factor in 2000 is 20%.

On its federal income tax return for 2000, Corporation A reports net capital gain of zero, because corporations are not allowed to deduct capital losses in excess of capital gains. In actuality, it is allowed to deduct \$700 in capital losses and carry over \$300 to be deducted in another year.

In 2000, Corporation A is treated as deducting \$280 in business loss from the second transaction (\$400 in loss, divided by the \$1,000 in total capital losses, multiplied by the \$700 capital loss deduction allowed) and \$420 in nonbusiness capital loss (\$600 in loss, divided by \$1,000, and multiplied by \$700). The \$280 in business loss would be combined with Corporation A's other business income, and 20% would be apportioned to Illinois. The entire \$420 in nonbusiness capital loss will be allocated to Illinois.

If Corporation A carries the \$300 excess loss back to offset \$200 in capital gains realized in 1997, \$80 of the 1997 deduction will be business loss (the \$120 excess loss attributable

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to the business transaction, divided by the entire \$300 in excess loss, times \$200) and \$120 will be nonbusiness loss (\$180 divided by \$300, times \$200). The \$80 of business loss will be combined with Corporation A's other business income from 1997 and apportioned according to Corporation A's 1997 apportionment factor. The entire \$120 in nonbusiness loss will be allocated to Illinois.

Example 6: Assume the same facts as in Example 5, except that the \$600 nonbusiness capital loss was incurred on the sale of an intangible asset, and so is allocated to the commercial domicile of Corporation A. At the time the loss was realized in 2000, Corporation A's commercial domicile was in State X, so the \$420 in nonbusiness capital loss deducted in that year would be allocated to State X. However, in 1997, Corporation A's commercial domicile was in Illinois. The \$120 in nonbusiness capital loss deducted in 1997 would be allocated entirely to Illinois, because that is the commercial domicile of Corporation A at the time the deduction is taken.

Example 7: In 2002, Taxpayer, a nonresident individual, has \$20,000 in federal net losses from Partnership A and \$180,000 in net losses from Partnership B. Taxpayer has \$100,000 in income from other sources, and so Taxpayer's adjusted gross income for 2002 is a net operating loss of \$100,000. Taxpayer carries the entire \$100,000 loss back to 2000, when Partnership A's Illinois apportionment factor is 30% and Partnership B's apportionment factor is zero. In determining Taxpayer's Illinois net income for 2000, 10% of the federal net operating loss carryback (\$20,000 loss from Partnership A divided by \$200,000 in total losses incurred from partnerships in 2002), \$3,000 of the net operating loss deduction in 2000 is apportioned to Illinois (Partnership A's 30% apportionment factor times the 10% of the \$100,000 federal net operating loss carryback attributable to Partnership A's loss). The remaining 90% of the net operating loss deduction is from Partnership B, and none of that loss is apportioned to Illinois.

c) Special Issues.

- 1) Taxpayers with taxable income (adjusted gross income, in the case of an individual) that is less than zero for a taxable year may offset such negative amount against any net addition modifications for the taxable year, but only to the extent the negative income has not been carried back to and deducted in any prior taxable year as a loss or deduction governed by this Section. (See IITA Section 203(g) (prohibiting double deductions)

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and Madison Park Bank v. Zagel, 97 Ill.App.3d 743 (1981), aff'd 91 Ill.2d 231 (1982).) The sum of carryover deductions taken in all years, plus the net addition modifications offset against the loss in the year incurred, may not exceed the amount of the loss. Notwithstanding subsection (a) of this Section, whenever a carryover deduction taken in any year plus the net addition modifications offset against a loss in the year incurred plus all carryover deductions of that loss allowed in prior years exceeds the loss incurred, such excess must be added back.

Example 8: In 1996, an individual's adjusted gross income is a loss of \$10,000, \$5,000 of which the taxpayer carries back to prior years as federal net operating loss deductions. The individual's 1996 addition modifications exceed his subtraction modifications by \$7,000. The individual's base income for 1996 is \$2,000 (negative \$10,000 in adjusted gross income, reduced by the \$5,000 carried back to prior years, plus \$7,000 in net addition modifications). The taxpayer has used up all of the loss and, for Illinois income tax purposes, may not carry any of the loss forward. Any carryforward deduction claimed for the 1996 loss in a subsequent year must be added back.

- 2) Any change in federal taxable income (adjusted gross income, in the case of an individual) that results from a deduction or change in the amount of a deduction of an item governed by this Section is a federal change subject to the reporting requirements of IITA Section 506(b).
- 3) Net loss carryforwards under IITA Section 207. The allocation of losses under this Section can result in a nonresident's net income being less than zero. Under IITA Section 207, a taxpayer (other than an individual, to whom IITA Section 207 does not apply) may carry over any Illinois net loss resulting from the allocation of losses under this Section to other taxable years.

Example 9: For federal income tax purposes, a corporation partially offsets a \$100,000 nonbusiness capital gain allocated to Missouri with a \$70,000 nonbusiness capital loss carryforward allocated to Illinois. If the corporation has no other income and no Illinois modifications, it would have base income of \$30,000, but would allocate a \$70,000 loss to Illinois. The resulting negative net income computed under IITA Section 207 may be carried over pursuant to that provision.

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Example 10: For federal income tax purposes, a nonresident individual has positive adjusted gross income for a taxable year. For that year, the individual has \$200,000 in base income from sources outside Illinois and a \$20,000 loss, all of which is allocable to Illinois. The individual's Illinois net income for the year is therefore less than zero. Because IITA Section 207 does not apply to individuals, and there is no other provision for carryovers of losses or deductions, the individual may not carry that negative amount over to any other taxable year.

(Source: Added at 28 Ill. Reg. _____, effective January 12, 2004)

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- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.162 Adopted Action:
Amendment
- 4) Statutory Authority: 35 ILCS 200/2-45
- 5) Effective Date of Amendment: January 9, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 15064, September 26, 2003
- 10) Has JCAR issued a Statement of Objection to this amendment? 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 this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
110.160	Amendment	27 Ill. Reg. 17059, 11/07/03
- 15) Summary and Purpose of Amendment: Public Act 93-188 enacts a change in the qualifications for township and multi-township assessors who have been in office for a total of 12 years or more.

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In subsection (a), redundant language is deleted and language is added (1) clarifying internal cross-references and (2) listing new qualifications for township and multi-township assessors who have been in office for a total of 12 years or more.

In subsection (b), language is added clarifying filing requirements and timing issues with respect to pre-election and pre-appointment completion of education qualifications by township and multi-township assessors in the definition of the term “current” and a new definition is provided for the phrase “participation as a candidate”.

In subsection (c), obsolete language is deleted regarding implementation for prior elections and language is added clarifying the year for which equalized assessed valuation is used by the Department in its certification of qualifications.

In subsection (d), redundant language is deleted, obsolete language is deleted for prior elections, and language is added (1) describing the standard for determining receipt of a timely filed petition for revision of township and multi-township assessor qualifications; (2) detailing the required elements of a written assessment agreement between a township or multi-township board of trustees, the Chief County Assessment Officer, and the County Board; and (3) clarifying the year for which equalized assessed valuation is used by an assessment district as evidence in a petition for revision of township and multi-township assessor qualifications.

Subsection (e) is deleted as being redundant at this point in time.

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

Karen A. Kloppe
Associate Counsel – Property Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

- 16) The full text of the adopted amendment begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 110

PROPERTY TAX CODE

Section

110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.112	Procedures for Assessment of Section 515 Low-income Housing Projects
110.113	Fraternal Organization Assessment Freeze
110.115	Non-Homestead Exemption Proceedings
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of Chief County Assessment Officers
110.135	Review of Assessments – Counties of 3,000,000 or More
110.140	Board of Review Procedures and Records – Counties of Less than 3,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.150	Records Reproduction
110.155	Course and Examination Requirements for Board of Review Members
110.160	Multi-township Assessment Districts
110.162	Township and Multi-township Assessor Qualifications
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation
110.192	Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code
110.ILLUSTRATION A	State of Illinois Board of Review Course and Exam Requirements

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

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SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 191, effective December 26, 2000; amended at 25 Ill. Reg. 6396, effective May 1, 2001; amended at 26 Ill. Reg. 3727, effective February 26, 2002; emergency amendment at 27 Ill. Reg. 17094, effective October 24, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. _____, effective January 9, 2004.

Section 110.162 Township and Multi-township Assessor Qualifications

- a) Pre-election and Pre-appointment Qualifications as Set Forth in Section 2-45 of the Property Tax Code [35 ILCS 200/2-45]. ~~As Amended by Public Act 89-441, Effective June 1, 1996~~

No person may file or have filed on his or her behalf nominating papers, or be a candidate in any caucus or primary or general election, for the office of township or multi-township assessor unless that person meets the appropriate qualifications specified in subsection (a)(1), (a)(2), or (a)(3) ~~below~~ and has filed a copy of the certificate of those qualifications with the township clerk, board of election commissioners or other appropriate election authority. No person may be

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appointed to fill a vacancy in the office of township or multi-township assessor unless that person meets the appropriate qualifications specified in subsections (a)(1) and (a)(2) and has filed a copy of the certificate of those qualifications with the appropriate appointing authority. Pursuant to Section 2-45(e) of the Property Tax Code [35 ILCS 200/2-45(e)], if any person files nominating papers for the office of township or multi-township assessor without also filing a copy of the certificate of qualifications, the township clerk, board of election commissioners or other appropriate election authority shall not certify the name of that person as a candidate to the proper election officials. The certificate of qualifications shall be a document or documents from the Department under subsection (a)(2)(A) or the a designating association listed under in subsection (a)(2)(A) or (a)(2)(B) that confirms the person has received the designation and is currently in compliance with current continuing education requirements.

- 1) Beginning December 1, 1996, in a township or multi-township assessment district not subject to subsection (a)(2) or (a)(3) below, the person at a minimum shall have passed an introductory course in assessment practices approved by the Department or shall have one of the qualifications listed in subsection (a)(2)(A) or (a)(2)(B) below. Any such person who has successfully completed, prior to January 1, 1997, the Basic Course (currently designated "B-100") conducted by the Illinois Property Assessment Institute shall be considered to have passed an introductory course in assessment practices approved by the Department as required by this subsection (a)(1).
- 2) Beginning December 1, 1996, in a township or multi-township assessment district with \$25,000,000 or more of non-farm equalized assessed value or \$1,000,000 or more of commercial and industrial equalized assessed value, the person shall have at least one of the following qualifications:
 - A) A Certified Illinois Assessing Officer (CIAO) certificate from the Illinois Property Assessment Institute conferred:
 - i) in the year of the election, or appointment, or participation as a candidate;
 - ii) in the year before the year of the election, or appointment, or participation as a candidate;
 - iii) prior to the year before the year of the election, or

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appointment, or participation as a candidate, plus current additional 30 class hours approved by the Department as required in Section 4-10 of the Property Tax Code [35 ILCS 200/4-10]; ~~or~~

- iv) prior to the year before the year of the election, ~~or~~ appointment, or participation as a candidate, plus a minimum of 300 additional hours of successfully completed courses approved by the Department (150 hours of which must have been courses with written examinations), plus successful completion of 15 class hours of additional training in courses approved by the Department within the four years preceding the election, ~~or~~ appointment, or participation as a candidate; or

- v) prior to the year before the year of election, appointment, or participation as a candidate, plus a minimum of 360 additional hours of successfully completed courses approved by the Department (180 hours of which must have been courses with written examinations), provided the person has served as a township or multi-township assessor for a total of 12 years or more;

- B) One of the following designations along with current continuing education requirements as prescribed by the designating association:
- i) designation by the International Association of Assessing Officers as a Residential Evaluation Specialist (RES) or Certified Assessment Evaluator (CAE);
- ii) designation by the Appraisal Institute or its predecessor organizations as a Residential Member (RM), Member of the Appraisal Institute (MAI), Senior Real Estate Analyst (SREA), Senior Residential Analyst (SRA) or Senior Real Property Appraiser (SRPA);
- iii) designation by the National Association of Independent Fee Appraisers as a Member (IFA), Senior Member (IFAS) or Appraiser-Counselor (IFAC);

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- iv) designation by the American Society of Appraisers as a Member (ASA); or
 - v) a professional designation approved by the Department from any other appraisal or assessing association that is substantially similar to those organizations described in subsection (a)(2)(B)(i)-(iv) ~~above~~ in terms of required number of hours, course content, examination requirements, demonstration appraisal requirements and continuing education guidelines.
- 3) Beginning December 1, 2000, in a township or multi-township assessment district with more than \$10,000,000 and less than \$25,000,000 of non-farm equalized assessed value and less than \$1,000,000 in commercial and industrial equalized assessed value, a person who has previously been elected as assessor or multi-township assessor in such township or multi-township assessment district shall have one of the qualifications listed in subsection (a)(2)(A) or (a)(2)(B) ~~above~~.
- b) For purposes of this Section, these terms are defined as follows:
- 1) "non-farm equalized assessed value" means the total equalized assessed value in the township or multi-township assessment district as reported to the Department under Section 18-255 of the Property Tax Code [35 ILCS 200/18-255] after removal of homestead exemptions and after removal of the equalized assessed value reported to the Department as farm or minerals under Section 18-255;
 - 2) "current" means for the year of the election, appointment, or participation as a candidate, or the year prior to the year of the election, appointment, or participation as a candidate, as is appropriate in a particular factual situation;
 - 3) "year" means calendar year;:-
 - 4) "participation as a candidate" means the filing of nominating papers by a person or having nominating papers filed on his or her behalf or being a candidate in any caucus or primary or general election for the office of township or multi-township assessor. A person who is a candidate in any

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caucus must file a copy of his or her certificate of qualifications with the township clerk prior to the date of the caucus. If a person has been a candidate in any caucus and did not file a copy of his or her certificate of qualifications with the township clerk prior to the date of the caucus and also at the time of filing nomination papers, then the township clerk shall not certify the name of that person as a candidate to the proper election officials. (See 35 ILCS 200/2-45(e).)

- c) Certification of Pre-election and Pre-appointment Requirements by the Department
- 1) By Between June 1 and June 15, 1996, and thereafter by February 1 of each year before the year of election of township or multi-township assessors, the Department shall certify to each township or multi-township clerk and each county clerk the pre-election requirements for the office of township or multi-township assessor in each township or multi-township assessment district using the equalized assessed valuation for the most recent year for which all counties have completed filing of reports to the Department under Section 18-255 of the Property Tax Code [35 ILCS 200/18-255].
 - 2) Within 30 days after the required statutory notice of either the formation of a new multi-township assessment district under Section 2-15 of the Property Tax Code [35 ILCS 200/2-15] or the disconnection of a township from a multi-township assessment district under Section 2-35 of the Property Tax Code [35 ILCS 200/2-35], the Department shall certify to the county clerk and the clerks of either the newly formed multi-township assessment district or of the disconnected township and the remaining multi-township assessment district the requirements for the office of township or multi-township assessor in each resulting township or multi-township assessment district using the equalized assessed valuation for the most recent year for which all counties have completed filing of reports to the Department under Section 18-255 of the Property Tax Code [35 ILCS 200/18-255].
- d) Revision of Township and Multi-township Assessor Qualifications by the Department
- 1) A township board of trustees in a township assessment district or multi-township board of trustees in a multi-township assessment district, upon

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approval by the board, may petition the Department in writing to revise the qualifications for the office of township or multi-township assessor within the board's jurisdiction pursuant to Section 2-52 of the Property Tax Code [35 ILCS 200/2-52, ~~added by Public Act 89-441~~].

- 2) When a certification is made by the Department in accordance with subsection (c)(1) ~~above~~, the township or multi-township board of trustees requesting a revision of qualifications shall file the petition with the Department ~~between the date the Department certifies the requirements and July 15, 1996, for 1997 elections and~~ between the date the Department certifies the requirements and April 1 of the year before the year of an election ~~for elections after 1997~~. The Department shall not consider a petition received ~~after July 15, 1996, for 1997 elections, or~~ after April 1 of the year before the year of an election, receipt of which shall be evidenced by the postmark on a metered or posted petition, the date-stamp of receipt on a hand-delivered petition, and the transmission date confirming receipt of a facsimile ~~for elections after 1997~~. The Department shall return any petition filed after ~~this deadline these deadlines~~ to the petitioning board. If a petition is received after a deadline or if a petition was not received by the Department, the burden of proof that the petition was timely filed with the Department shall be upon the petitioning board.
- 3) In requesting a revision of qualifications, when there is a voluntary formation of a multi-township assessment district under Section 2-15 of the Property Tax Code [35 ILCS 200/2-15] or a disconnection under Section 2-35 of the Property Tax Code [35 ILCS 200/2-35], the township or multi-township board of trustees of either the newly formed multi-township assessment district or of the disconnected township and the remaining multi-township assessment district shall file the petition within 30 days after the Department's certification in subsection (c)(2) ~~above~~. The Department shall not consider a petition received more than 30 days after the certification under subsection (c)(2) ~~above~~, receipt of which shall be evidenced by the postmark on a metered or posted petition, the date-stamp of receipt on a hand-delivered petition, and the transmission date confirming receipt of a facsimile. ~~The Department and~~ shall return any petition filed after this deadline to the petitioning board. If a petition is received after a deadline or if a petition was not received by the Department, the burden of proof that the petition was timely filed with the Department shall be upon the petitioning board.

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- 4) All supporting documentation and arguments shall be submitted with the petition, and the Department may request additional information from the petitioning board. The petition shall include each of the following:
- A) The name and county of the township or multi-township assessment district.
 - B) The mailing address of the township or multi-township board of trustees.
 - C) The name and mailing address of the township or multi-township clerk.
 - D) The date the township or multi-township board of trustees approved the petition to request that the Department revise the qualifications for the office of township or multi-township assessor.
 - E) The non-farm equalized assessed value in the township or multi-township assessment district that was used as the basis for certifying the pre-election and pre-appointment requirements for the office of township or multi-township assessor under Section 2-45 of the Property Tax Code [35 ILCS 200/2-45].
 - F) The commercial and industrial equalized assessed value in the township or multi-township assessment district that was used as the basis for certifying the pre-election and pre-appointment requirements for the office of township or multi-township assessor under Section 2-45 of the Property Tax Code [35 ILCS 200/2-45].
 - G) A statement that the township or multi-township board of trustees requests the qualifications for the office of township or multi-township assessor be revised from those required in subsection (a)(2) or (a)(3) ~~above~~ to those required in subsection (a)(1) ~~above~~.
 - H) A detailed statement in support of the request for revision of assessor qualifications. The statement shall include information on the quantity and complexity of assessments within the township or multi-township assessment district. The statement may include, but is not limited to:

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- i) evidence that values in the assessment district are different from the values used as the basis for certifying the pre-election and pre-appointment requirements for township or multi-township assessor;
 - ii) descriptions of the number, characteristics, and valuations of classes, groups or individual properties in the assessment district;
 - iii) descriptions of the activities of the assessor in the assessment process in the assessment district; and
 - iv) any other information that the petitioning board considers relevant to a determination that the quantity and complexity of assessments within the assessment district support reducing the standards for qualification for the office of township or multi-township assessor.
- I) If the petition states that the Chief County Assessment Officer will assess certain commercial or industrial property within the assessment district ~~during the term of office for which the petition is made~~, the petition shall include a signed and dated copy of a written agreement between the township or multi-township board of trustees, the Chief County Assessment Officer, and the County Board for the Chief County Assessment Officer to assess that property for at least the period of time covering the term associated with the immediately following election for the township or multi-township assessor (e.g., for a petition filed in 2004, the assessment agreement must indicate that property within the township or multi-township assessment district will be assessed by the Chief County Assessment Officer for at least the period of time from January 1, 2006 until December 31, 2009). The petition shall also indicate the ~~most recent~~ equalized assessed value of each that property to be assessed under that agreement and of all other property in the township or multi-township assessment district by class of property for the same year as that used for certification of pre-election and pre-appointment qualifications by the Department. ~~With respect to petitions for the 1997 election only, in lieu of a written agreement between the township or multi-township board~~

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~~of trustees, the Chief County Assessment Officer, and the County Board, the petition may include an affidavit from the Chief County Assessment Officer identifying the commercial and industrial property the Chief County Assessment Officer intends to assess during the term of office for which the petition is made.~~

- 5) In determining a petition for revision of assessor qualifications, the Department shall consider evidence concerning the quantity and complexity of assessments within the township or multi-township assessment district. The Department shall not determine a petition in favor of the petitioning board on the basis that all or a significant portion of the township or multi-township assessor's duties have been undertaken by the Chief County Assessment Officer or another entity. Evidence to be considered may include, but is not limited to:
 - A) Evidence that values for the assessment district are different from the values used by the Department as the basis for certifying the pre-election and pre-appointment requirements for the office of township or multi-township assessor; and
 - B) Evidence that an assessment district would have been in a category with reduced assessor qualifications if the equalized assessed values of three or fewer properties to be assessed by the Chief County Assessment Officer for the same year as that used for certification of pre-election and pre-appointment qualifications by the Department are deducted from the equalized assessed value upon which the qualifications are based.
- 6) The Department shall notify the township or multi-township board of trustees whether the revision in assessor qualifications is allowed within 30 days after receipt of the petition or receipt of any requested additional information, whichever is later. If the Department revises assessor qualifications, the Department also shall notify the township or multi-township clerk and the county clerk within the same 30-day period.
- 7) When the Department has allowed a request for a revision of assessor qualifications, the revision shall remain in effect until the next certification under Section 2-50 of the Property Tax Code [35 ILCS 200/2-50]. ~~e) This Section shall be effective on and after June 1, 1996.~~

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(Source: Amended at 28 Ill. Reg. _____, effective January 9, 2004)

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- 1) Heading of Part: Practice and Procedure
- 2) Code Citation: 26 Ill. Adm. Code 125
- 3) Section Number: 125.425 Emergency Action: Amended
- 4) Statutory Authority: Implements Article 9-10 (b) and 9-10 (b-5) of the Illinois Election Code (10 ILCS 5/ 9) and authorized by Section 9-15(3) of the Illinois Election Code (10 ILCS 5/9-15(3)).
- 5) Effective Date of Amendment: January 5, 2004
- 6) This emergency amendment will expire upon the adoption of the rule through the general rulemaking process.
- 7) Date filed with the Index Department: January 5, 2004
- 8) A copy of this emergency amendment is available for public inspection in the Springfield Office of the State Board of Elections and is available on the official website of the State Board of Elections (www.elections.state.il.us).
- 9) Reason for Emergency: Enactment of PA 93-615/HB 3412 (which became effective on November 19, 2003) changed the method of calculation of civil penalties for delinquently filed Pre-Election and Schedule A-1 campaign disclosure reports. Such calculations will be utilized in calculating the penalties assessed for delinquencies in filing the Pre-Election and Schedule A-1 Reports, whose filings begin on February 15, 2004.
- 10) A Complete Description of the Subjects and Issues Involved: The additional sentence in Section 125.425 ceases the calculation of the assessed penalty for delinquently filing a Pre-Election Report on the date of the election for which the report is filed. The reason for ceasing the calculation of the penalty on the day of the election is because the information disclosed on a Pre-Election Report pertains to the activities of the candidate or proponents/opponents of a question of public policy in relation to that election. The Campaign Disclosure Division of the State Board of Elections feels that the significance of this information and its public disclosure diminishes substantially once the election is over. Therefore, we feel that there is no rational basis other than punitive for continuing the penalty (which can range from \$100 to \$600 per business day) beyond the date on which the electorate has spoken.

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Section 125.425 (e) (5), (6) and (7) establishes a method for calculating civil penalties for delinquently filed Schedule A-1 Reports. It is therefore proposed that these three subsections be repealed since PA 93-615/HB 3412 has imposed an entirely new method of calculating penalties for delinquently filed Schedule A-1 Reports.

Section 125.425(f)(1) and (2) set a 10 day maximum time period for committees to appeal any civil penalties assessed against them for delinquently filing their campaign disclosure reports (Pre-Election, Schedule A-1 and Semi-Annual). We suggest increasing the time period to accommodate committees in preparing their defenses, particularly in light of the mitigating factors that the State Board of Elections may now consider under PA 93-615/HB 3412 in ruling on Schedule A-1 Report delinquency defenses.

- 11) Are there any other proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives: The emergency amendment does not require expenditures by units of local government.
- 13) Information and questions regarding this emergency amendment shall be directed to:

Steven S. Sandvoss, Deputy General Counsel
Illinois State Board of Elections
1020 S. Spring St.
Springfield, IL 62708
Ssandvoss@elections.state.il.us
217-557-9939

The full text of the emergency amendment begins on the next page:

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TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 125

PRACTICE AND PROCEDURE

SUBPART A: DEFINITION AND GENERAL PROVISIONS

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125.5	Applicability
125.10	Definitions
125.15	Board Offices and Business Hours
125.20	Documents Pertaining to Hearings
125.30	Form of Documents
125.40	Service of Documents
125.50	Computation of Time
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125.60	Appearances
125.70	Non-Legal Assistance
125.75	Parties
125.80	Answer
125.90	Qualifications of Hearing Examiner
125.95	Authority of Hearing Examiner
125.100	Disqualification of Hearing Examiner
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125.120	Amendments
125.130	Intervention
125.135	Pre-hearing Conferences
125.140	Settlement Pursuant to Conference
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125.160	Continuances
125.170	Order of Proceedings
125.175	Failure of Party to Appear
125.180	Evidence
125.185	Official Notice
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125.195	Hostile Witnesses
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125.199 Compelling Appearance at Hearing

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section

125.210 Applicability
125.220 Commencement of Proceeding
125.230 Form of Complaint
125.235 Board Members as Complainants
125.240 Service of Complaint
125.245 Appointment of Examiner - Order of Closed Preliminary Hearing
125.250 Time of Preliminary Hearing (Repealed)
125.252 Scope of Preliminary Hearing - Procedures - Evidence
125.253 Responsibilities of the General Counsel
125.254 Stipulated Settlement
125.255 Transcript of Preliminary Hearing (Repealed)
125.260 Report of Hearing Examiner (Repealed)
125.262 Board Determination
125.265 Judicial Review
125.270 Record of Preliminary Hearing on Appeal Administrative Review
125.272 Order of Public Hearing
125.275 Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section

125.310 Applicability
125.320 Initiation of Hearing
125.330 Appointment of Hearing Examiner
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125.350 Discovery Procedures
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125.390 Briefs and Oral Argument

SUBPART D: FINAL ORDERS

Section

125.410 Hearing Examiners Report

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125.420 Order of the Board; Civil Penalties

125.425 Civil Penalty Assessments

EMERGENCY

125.430 Enforcement Actions in the Circuit Court

125.440 Reconsideration

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS
PURSUANT TO SECTION 9-18

Section

125.510 Applicability (Repealed)

125.520 Staff Review and Enforcement of Reporting Requirements

125.530 Compliance Conference

125.540 Staff Initiated Complaint (Repealed)

125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

Section

125.610 Applicability

125.620 Adoption of Rules

125.630 Non-Adjudicative Hearings

125.640 Notice of Hearing

125.650 Conduct of the Hearing

125.660 Examination of Witness

125.670 Record

125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

Section

125.710 Advisory Opinions

125.720 Reconsideration of Advisory Opinions

125.730 Public Availability of Advisory ~~Opinion~~ Opinions

125.740 Conflict Between this Part and the APA

SUBPART H: MISCELLANEOUS PROVISIONS

Section

125.810 Ex Parte Communications

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125.820	Effective Date
125.830	Interpretation
125.840	Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999; amended at 24 Ill. Reg. 14203, effective September 11, 2000; emergency amendment at 28 Ill. Reg. 1408, effective January 5, 2004, for a maximum of 150 days.

SUBPART D: FINAL ORDERS

Section 125.425 Civil Penalty Assessments**EMERGENCY**

- a) As used in this Section, "authorizing candidate" means any candidate who has at any time during the reporting period for the report in question or prior thereto filed with the committee an authorization in accordance with Section 9-8 of the Election Code.
- b) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Document(s) are deemed received by the Board as of the date date-stamped by Board staff on the document(s) submitted.
- c) If a report is or continues to be delinquent it is subject to an increasing civil penalty as set out in subsection (e) of this Section, until received by the Board. In the case of a Pre-Election report, the Board will cease calculation of the penalty on the date of the election for which the Report has been filed.
- d) When a report required by Section 9-10 of the Election Code is delinquent, the Board will send notice of delinquency to the chairman and the treasurer of each delinquent State, State and local, and local political committee together with an Order assessing a civil penalty calculated in accord with subsection (e). The notice of delinquency

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and Order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of delinquency shall state that the Board has issued a civil penalty that will be final unless the committee shows cause in accord with subsection (f) why the penalty should not be assessed.

- e) The Board will calculate the civil penalty for each day of delinquency as follows:
- 1) If its total receipts, total expenditures, and the balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less, and if the delinquent report is a semi-annual report, the political committee shall be assessed a fine of \$25 per business day for the first violation, \$50 per business day for the second violation, and \$75 per business day for the third and each subsequent violation to a maximum of \$5000, except that if the committee is formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000, provided that the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late;
 - 2) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a semi-annual report, the political committee shall be assessed a fine of \$50 per business day for the first violation, \$100 per business day for the second violation, and \$200 per business day for the third and each subsequent violation to a maximum of \$5000, except that if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000, provided that the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late;
 - 3) If its total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and each subsequent violation to a maximum of \$5000, except that if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000, provided that the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late;

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- 4) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$200 per business day for the first violation, \$400 per business day for the second violation, and \$600 per business day for the third and each subsequent violation to a maximum of \$5000, except that if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000, provided that the civil penalty shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late; ~~5) If its total receipts, total expenditures, and balance remaining at the end of the most recent semi-annual report are each \$5000 or less, and if the delinquent report is an A-1 report required by Section 9-10(b)(5) of the Election Code, the political committee shall be assessed a fine of \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and each subsequent violation to a maximum of \$5000, except that if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000; 6) If its total receipts, total expenditures, or balance remaining at the end of the most recent semi-annual report exceeds \$5000, and if the delinquent report is an A-1 report, the political committee shall be assessed a fine of \$200 per business day for the first violation, \$400 per business day for the second violation, and \$600 per business day for the third and each subsequent violation to a maximum of \$5000, except that if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000 7) If the political committee was created subsequent to the last semi-annual reporting period, and if the delinquent report is an A-1 report, the political committee shall be assessed a fine of \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and subsequent violation to a maximum of \$5000, except that if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000.~~
- f) In addition to the civil penalties provided for in Section 9-10(b) of the Election Code, a committee or organization required to report under the Election Code may, for violations of provisions of Article 9 of the Election Code other than delinquent filing, be assessed a civil penalty under the provisions of Section 9-23 of the Election Code and this subsection. The Board will calculate civil penalties in accord with subsection (e). A committee that violates both Section 9-10 of the Election Code and an Order of the Board may be liable for separate penalties for each violation. In cases of alleged

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violation of an Order of the Board brought under the provisions of Section 9-23 of the Election Code, the Board will mail to each committee or organization alleged to be in violation of a Board order notice of a proposed civil penalty calculated in accord with the terms of this Part, which proposed penalty shall become effective without further proceedings unless the committee or organization receiving the notice contests the proposed civil penalty. A political committee assessed a civil penalty under Section 9-10(b) for being delinquent in filing a required report or that has received notice of a proposed civil penalty for violation of a Board order under Section 9-23 may:

- 1) submit, within ~~3040~~ 30 days after the mailing of the assessment notice, a request for waiver of appearance and appeal affidavit in the form provided by the Board stating the reasons for requested waiver of appearance and the reasons for the late filing or violation of the Board order, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109]; or
 - 2) submit, within ~~3040~~ 30 days after the mailing of the assessment notice, a request for hearing and appeal affidavit in the form provided by the Board stating the reasons for the late filing or violation of the Board Order, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure [735 ILCS 5/1-109]; or
 - 3) pay, within 30 days after the mailing of the assessment notice, the civil penalty assessed. If an appeal affidavit is filed, with or without waiver of appearance, the civil penalty shall not be due until the appeal is determined by the Board.
- g) If a political committee or organization required to report under the provisions of Article 9 of the Election Code subject to a civil penalty fails, within the time required, to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210]. The Board shall not hear an appeal of a civil penalty imposed for delinquent filing or the violation of a Board order if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.

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- h) Notwithstanding any provision herein to the contrary, the Board shall stay the enforcement of any civil penalty in cases of first time violation of a filing deadline and shall stay the enforcement of a civil penalty for the violation of a Board order where the committee organization has voluntarily entered into a stipulation admitting the violation and agreeing to the civil penalty. Such stay shall continue only so long as no subsequent violations of Article 9 of the Election Code or of Board orders occur. Violation of Article 9 of the Election Code or a Board order will cause the civil penalty otherwise stayed to become immediately due and may expose the committee or organization to further liability in accord with this Section.
- i) For the purpose of this Section, second and subsequent violations are deemed to occur with reference to the time the first offense event occurs, not when a hearing, if any is required, concerning such first offense event is held. The Board may consider two or more allegations of violations at the same hearing, treating the first as an initial violation and the remaining as subsequent violations, imposing appropriate civil penalties for each.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 1408, effective January 5, 2004, for a maximum of 150 days)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: 148.82 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: January 8, 2004
- 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: January 8, 2004
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments allow coverage by the Department for organ transplant services at a non-certified facility, when certain specified circumstances are met. These emergency changes are necessary to address situations in which a client urgently needs organ transplantation and there is no certified facility available within a reasonable distance or within the time frame necessary to preserve the client's health. Immediate implementation of these amendments will ensure that the health, safety and welfare needs of medical assistance clients can be met.
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments pertain to the Department's coverage for organ transplant services. Currently, coverage is available only for such services that are provided by certified organ transplant centers. Under the amendments, the Department will have the flexibility to approve and cover transplant procedures that are performed at non-certified facilities under circumstances as specified in the proposed changes. These changes are necessary to ensure that the health, safety and welfare of medical assistance clients, who are in need of organ transplantation, are not placed in jeopardy.
- 11) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.120	Amendment	August 29, 2003 (27 Ill. Reg. 14090)

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148.122	Amendment	August 29, 2003 (27 Ill. Reg. 14090)
148.160	Amendment	June 27, 2003 (27 Ill. Reg. 9549)
148.170	Amendment	June 27, 2003 (27 Ill. Reg. 9549)
148.190	Amendment	June 27, 2003 (27 Ill. Reg. 9549)
148.290	Amendment	June 27, 2003 (27 Ill. Reg. 9549)
148.290	Amendment	August 29, 2003 (27 Ill. Reg. 14090)
148.295	Amendment	August 29, 2003 (27 Ill. Reg. 14090)
148.310	Amendment	August 29, 2003 (27 Ill. Reg. 14090)

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

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 full text of the emergency amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section	
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
<u>EMERGENCY</u>	
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.105	Psychiatric Adjustment Payments
148.110	Bone Marrow Transplants (Repealed)
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals

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- Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings
- 148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

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Section

148.500 Definitions
148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

148.600 Definitions
148.610 Scope of the Program
148.620 Assistance Level and Reimbursement
148.630 Criteria and Information Required to Establish Eligibility
148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
148.TABLE C List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency

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amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill.

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Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.82 Organ Transplant Services**EMERGENCY**

- a) Introduction
The Department of Public Aid will cover organ transplants as identified under subsection (b) of this Section that are provided to United States citizens or aliens who are lawfully admitted for permanent residence in the United States under color of law pursuant to 42 USC 1396a(a) and 1396b(v). Such services must be provided by certified organ transplant centers which meet the requirements specified in subsections (c) through (h) of this Section.
- b) Covered Services
 - 1) Inpatient heart, heart/lung, lung (single or double), liver, pancreas or kidney/pancreas transplantation. Inpatient bone marrow transplants,

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inpatient and outpatient stem cell transplants.

- 2) Inpatient intestinal (small bowel or liver/small bowel) transplantation for children only (see subsection (d)(1)(H) of this Section).
 - 3) Other types of transplant procedures may be covered when a hospital has been certified by the Department as a transplant center eligible to perform such transplants. Centers must complete the certification process established in subsection (c) of this Section and provide the necessary documentation of the number of transplant procedures performed and the survival rates.
 - 4) Medically necessary work-up.
- c) Certification Process
- 1) In order to be certified to receive reimbursement for transplants performed on Medical Assistance and KidCare patients, the hospital must:
 - A) Request an application from the Bureau of Comprehensive Health Services;
 - B) Submit a completed application to the Department for the type of transplant for which the center is seeking certification;
 - C) Meet certification criteria established in subsection (d) of this Section, based upon review and recommendation of each application by the State Medical Advisory Committee (SMAC); and
 - D) Submit a detailed status report on each patient for the type of transplant for which the hospital is seeking certification. Such reports must include the patient's diagnosis, date of transplant, the length of hospitalization, charges, survival rates, patient-specific transplant outcome, and complications (including cause of death, if applicable) for all transplants performed in the time frames required for the type of transplant indicated in subsections (d)(1)(C), (D), (E), (F), (G), (H), (I) or (J) of this Section. To protect the privacy of patients included in this report, names of patients who are not covered under Medical Assistance or KidCare

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are not required.

- 2) The Department shall notify the hospital of approval or denial of the hospital as a transplant center for Medical Assistance and KidCare eligible patients.
 - 3) In the event the Department receives a request for prior approval to provide a service from a hospital not formally certified under this Section, the Department may approve the request if it determines that circumstances are such that the health, safety and welfare of the recipient would best be served by receiving the service at that hospital. In making its determination, the Department shall take into account the hospital's and its medical staff's ability and qualifications to provide the service, the burden on the recipient's family if a certified hospital is a great distance from their home, and the emergent nature of the transplant.~~In the event that no hospital formally certified by the Department is able to provide a covered service set forth in subsection (b) of this Section within the time frame necessary to preserve the recipient's health, the Department shall review a request for prior approval of the service from a non-certified facility, and if the facility satisfies the criteria for certification, approve the request on an individual case basis.~~
 - 4) A joint application combining the statistical data for the adult and pediatric programs from two affiliated hospitals that share the same surgeons may be submitted for review by the State Medical Advisory Committee. The hospitals must meet the criteria under subsections (d)(1)(A), (B), (K), (L), (M), (N), (O), (P) and (Q), the applicable criteria under subsections (d)(1)(C), (D) or (J) and (d)(1)(R), subsections (d)(2), (3) and (4), and subsection (e) of this Section for certification and recertification.
- d) Certification Criteria
- 1) Hospitals seeking certification as a transplant center shall submit documentation to verify that:
 - A) The hospital is capable of providing all necessary medical care required by the transplant patient;
 - B) The hospital is affiliated with an academic health center;

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- C) The hospital has had the transplant program for inpatient adult heart and liver transplants in operation for at least three years with 12 transplant procedures per year for the past two years and 12 cases in the three year period preceding the most current two year period for adult heart and liver transplants;
- D) The hospital has had the transplant program for inpatient adult heart/lung and lung transplants in operation for at least three years with ten transplant procedures per year for the past two years and ten cases in the three year period preceding the most current two year period for adult heart/lung and lung transplants;
- E) A hospital specializing in inpatient pediatric heart/lung and lung transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
- F) The hospital has had the transplant program for inpatient adult and pediatric bone marrow transplants in operation for at least two years with 12 transplant procedures per year for the past two years;
- G) The hospital performing outpatient adult and pediatric stem cell transplants must be part of a certified inpatient program and must have been in operation for at least two years with at least 12 outpatient stem cell transplant procedures per year in the past two years;
- H) A hospital specializing in inpatient pediatric heart or liver transplants, or both, has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
- I) A hospital specializing in inpatient pediatric intestinal (small bowel or liver/small bowel) transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two

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year period;

- J) A hospital specializing in inpatient kidney/pancreas and/or pancreas transplants has had the transplant program in operation for at least three years with 25 kidney transplant procedures per year for the past two years and 25 cases in the three year period preceding the most current two year period, and five pancreas transplant procedures per year for the past two years and five in the three year period preceding the most current two year period, or 12 kidney/pancreas transplant procedures per year for the past two years and 12 in the three year period preceding the most current two year period;
- K) The hospital has experts, on staff, in the fields of cardiology, pulmonology, anesthesiology, immunology, infectious disease, nursing, social services, organ procurement, associated surgery and internal medicine to complement the transplant team. In addition, in order to qualify as a transplant center for pediatric patients, the hospital must also have experts in the field of pediatrics;
- L) The hospital has an active cardiovascular medical and surgical program as evidenced by the number of cardiac catheterizations, coronary arteriograms and open heart procedures per year for heart and heart/lung transplant candidates;
- M) The hospital has pathology resources that are available for studying and reporting the pathological responses for transplantation as supported by appropriate documentation;
- N) The hospital complies with applicable State and federal laws and regulations;
- O) The hospital participates in a recognized national donor procurement program for organs or bone marrow provided by unrelated donors, abides by its rules, and provides the Department with the name of the national organization of which it is a member;
- P) The hospital has an interdisciplinary body to determine the suitability of candidates for transplantation as supported by appropriate documentation;

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- Q) The hospital has blood bank support necessary to meet the demands of a certified transplant center as supported by appropriate documentation; and
- R) The hospital meets the applicable transplant survival rates as supported by the Kaplan-Meier method or other method accepted by the Department:
 - i) A one-year survival rate of 50 percent for inpatient bone marrow and inpatient and outpatient stem cell transplant patients;
 - ii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for heart transplant patients;
 - iii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for liver transplant patients;
 - iv) A one-year survival rate of 90 percent for kidney transplant and a one-year survival rate of 80 percent for pancreas transplant; or a one-year survival rate of 80 percent for kidney/pancreas transplant;
 - v) A one-year survival rate of 65 percent and a two-year survival rate of 60 percent for heart/lung and lung (single or double) transplant patient;
 - vi) A one-year survival rate of 60 percent and a two-year survival rate of 55 percent for intestinal transplants (small bowel or liver/small bowel).
- 2) The commitment of the hospital to support the transplant center must be at all levels as evidenced by such factors as financial resources, allocation of space and the support of the professional staff for the transplant program and its patients. The hospital must submit appropriate documentation to demonstrate that:
 - A) Component teams are integrated into a comprehensive transplant team with clearly defined leadership and responsibility;

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- B) The hospital safeguards the rights and privacy of patients;
 - C) The hospital has adequate patient management plans and protocols to meet the patient and hospital's needs.
- 3) The hospital must identify, in writing, the director of the transplant program and the members of the team as well as their qualifications. Physician team members must be identified as board certified, in preparation for board certification, or pending board certification, and the transplant coordinator's name must be submitted.
- 4) The hospital must provide patient selection criteria including indications and contraindications for the type of transplant procedure for which the facility is seeking certification.
- e) Recertification Process/Criteria
- 1) The Department will conduct an annual review for certification of transplant centers. A certified center must submit documentation established under subsections (c), (d), (f) and (h) of this Section for review by the Department's State Medical Advisory Committee for recertification as a transplant center.
 - 2) Survival rates of previous transplant patients must be documented prior to certification. The center must maintain patient volume in the year of certification based on previous transplant statistics.
 - 3) The Department shall notify the hospital of approval or denial of the recertification of the hospital as a transplant center.
 - 4) If the hospital has previously met the requirements for certification or recertification of its program under subsections (d)(1), (K), (L), (M), (N), (O), (P) and (Q) and (d)(2), (3) and (4) of this Section and the program has experienced no changes under the above subsections, as evidenced in written documentation on the hospital's application, the hospital will not be required to resubmit the same data.
 - 5) If a center has previously met the requirements for certification or recertification of its program under subsections (d)(1) (K), (L), (M), (N),

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(O), (P), (Q) and (R)(i) through (R)(vi), but has performed fewer than the required number of transplants pursuant to subsections (d)(1)(C), (D), (E), (F), (G), (H), (I) or (J) as appropriate, the Department may recertify the center if it determines that the best interests of the Medical Assistance or KidCare client eligible for transplant services would be served by allowing continued certification of the center. Criteria the Department may consider in making such a determination include, but are not limited to:

- A) Not recertifying a center would limit the accessibility of available organs.
- B) Other centers are not accepting new patients or have extensive waiting lists.
- C) The distance to other eligible centers would jeopardize the client's opportunity to receive a viable organ/tissue transplant.

f) Notification of Transplant

- 1) The hospital must notify the Department prior to performance of the transplant procedure. The notification letter must be from a physician on the transplant team.
- 2) The notification must include the admission diagnosis and pre-transplant diagnosis.
- 3) The Department shall notify the hospital regarding receipt of the notification and provide the appropriate outcome summary forms to the hospital.

g) Reimbursement

- 1) Hospital services rendered for transplant procedures under this Section are exempt from the provisions of Sections 148.250 through 148.330 and 89 Ill. Adm. Code 149 of the Department's administrative rules governing hospital reimbursement. Hospital reimbursement for transplants covered within this Section is an all-inclusive rate for the admission, regardless of the number of days of care associated with that admission, which is limited to a maximum of 60 percent of the hospital's usual and customary charges to the general public for the same procedure for a maximum

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number of days listed below for specific types of transplants:

- A) 30 consecutive days of post-operative inpatient care for heart, heart/lung, lung (single or double), pancreas, or kidney/pancreas transplant; or
 - B) 40 consecutive days of post-operative inpatient care for liver transplant; or
 - C) 50 consecutive days of post-operative inpatient care for bone marrow transplant (this includes a maximum of seven days prior to the transplant for infusion of chemotherapy), or 50 consecutive days of care for an inpatient or outpatient stem cell transplant; or
 - D) 70 consecutive days of post-operative inpatient care for intestinal (small bowel or liver/small bowel) transplants; or
 - E) For those transplants covered under subsection (b)(2) of this Section, the number of consecutive days of inpatient care specified within the transplant certification process.
- 2) Reimbursement will be approved only when the Department's letter acknowledging the notification of the transplant procedure is attached to the hospital's claim. Reimbursement will not be made until the discharge summary has been submitted to the Department.
 - 3) Applicable disproportionate share payment adjustments shall be made in accordance with Section 148.120(g). Applicable outlier adjustments shall be made in accordance with Section 148.130. Applicable Medicaid High Volume adjustments shall be made in accordance with Section 148.290(d).
 - 4) The rate will not include transportation and physician fees when reimbursed pursuant to 89 Ill. Adm. Code 140.410 through 140.414 and 140.490 through 140.492, respectively.
 - 5) Hospital reimbursement for bone marrow searches is limited to 60 percent of charges up to a maximum of \$25,000. Payment for bone marrow searches will only be made to the certified center requesting reimbursement for the bone marrow transplant.

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- 6) Reimbursement for stem cell acquisition charges which includes the mobilization, chemotherapy, cytokines and apheresis processes must be billed under the appropriate revenue code on the claim submitted for the transplant procedure.
- h) Reporting Requirements of Certified Transplant Center
The following documentation must be submitted within the time limits set forth in this subsection (h).
 - 1) Outcome Summary
 - A) The discharge summary for each Medical Assistance and KidCare patient must be received by the Department within 30 days after the patient's discharge.
 - B) For those Medical Assistance and KidCare patients who expire, a summary must be received by the Department within 30 days after the patient's death.
 - 2) Notification of Changes
The center must notify the Department within 30 days after any changes in its program including, but not limited to, certification criteria, patient selection criteria, members of the transplant team and the coordinator.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days)

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- 1) Heading of the Part: Adult Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3)

<u>Section Numbers</u>	<u>Proposed Action</u>
3040.120	Amend
3040.140	Amend
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].
- 5) Effective Date: January 12, 2004
- 6) If these emergency rules are to expire before the end of the 150 period, please specify the date on which it expires: N/A
- 7) Date filed with the Index Department: January 12, 2004
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file at the Illinois State Library, Gwendolyn Brook Building, 300 S. Second, Springfield IL 62701-1796 and is available for public inspections.
- 9) Reason for Emergency: The deadline for applicants for literacy grants is March 1. Considering the ongoing State budget crisis, the amount of grant funds will not be known until the conclusion of the budget process. The Illinois State Library does not want to require entities to apply for grants until funds are appropriated to the Secretary of State. Therefore, it is necessary to remove the March 1 deadline from the rules.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking is to make literacy grant applicants aware that, while grant applications forms may be made available prior to the availability of funds, no grant award may be made prior to the receipt of appropriated funds by the Secretary of State. Also, the grant period shall be within the fiscal years the grant is awarded.
- 11) Are there any proposed amendments pending on this Part? Yes
- 12) Statement of Statewide Policy Objective: This rulemaking neither creates nor expands a State mandate on units of local government.

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- 13) Time, Place and Manner in which interested persons may comment on these emergency amendments:

Joseph A. Natale
Illinois State Library
Gwendolyn Brooks Building
300 S. Second
Springfield IL 62701
217-558-4185
jnatale@ilsos.net

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3040
LITERACY GRANT PROGRAM

SUBPART A: ADULT LITERACY GRANT PROGRAM

Section

- 3040.100 Purpose
- 3040.110 Definitions
- 3040.120 Application for Grant

EMERGENCY

- 3040.130 Review of Grant Applications
- 3040.140 Award of Grants, Accountability and Recordkeeping

EMERGENCY

- 3040.150 Cancellation of Grant
- 3040.160 Fiscal Procedures
- 3040.170 Other Requirements
- 3040.180 Invalidity

SUBPART B: WORKPLACE LITERACY PROGRAM

Section

- 3040.200 Purpose (Repealed)
- 3040.210 Definitions (Repealed)
- 3040.220 Application for Grant (Repealed)
- 3040.230 Review of Grant Applications (Repealed)
- 3040.240 Award of Grant, Financial Reports, and Program Progress Reports (Repealed)
- 3040.250 Cancellation of Grant (Repealed)
- 3040.260 Other Requirements (Repealed)
- 3040.270 Invalidity (Repealed)

SUBPART C: FAMILY LITERACY PROGRAM

Section

- 3040.300 Purpose (Repealed)
- 3040.310 Definitions (Repealed)
- 3040.320 Eligible Applicants (Repealed)

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3040.330 Grant Applications (Repealed)

SUBPART D: SPECIAL GRANT PROGRAMS

Section

3040.400 Making Work Pay Grant Program (Repealed)

3040.450 New Chapters Grant Program (Repealed)

3040.470 Penny Severns' Grant Program

3040.EXHIBIT A Differences Among the Three Types of LiteracyLibrary Grant Programs

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 21 Ill. Reg. 11767, effective August 11, 1997; amended at 23 Ill. Reg. 2402, effective January 22, 1999; amended at 23 Ill. Reg. 2574, effective January 26, 1999; emergency amendment at 23 Ill. Reg. 4115, effective March 18, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8645, effective July 13, 1999; amended at 27 Ill. Reg. 19004, effective December 15, 2003; emergency amendment at 28 Ill. Reg. 1434, effective January 12, 2004, for a maximum of 150 days.

SUBPART A: ADULT LITERACY GRANT PROGRAM

Section 3040.120 Application for Grant**EMERGENCY**

- a) ~~ISL may make grant application forms available prior to the availability of funds. Requests for a grant shall be submitted to the LAB in writing postmarked no later than March 1st for every fiscal year. Applicants shall use the forms prepared and made available by the Secretary of State, Illinois State Library for this purpose. Applications not submitted on time or on the required forms shall not be considered by the LAB.~~
- b) Applications shall be submitted to the Literacy Office, Illinois State Library,

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Gwendolyn Brooks Building, 300 S. Second, Springfield, Illinois 62701.

- c) Applications shall be reviewed by the LAB. Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- d) The maximum grant amount shall be determined by the Secretary basing his or her decision upon the amount of money appropriated by the General Assembly and the likely number of grant applications.
- e) ~~The grant period shall be within the fiscal year. The first grant period shall be for a period of 6 months, January 1, 1986, until June 30, 1986. Thereafter, the grant period shall be the fiscal year.~~
- f) Applications shall include the following information:
 - 1) The name of the literacy program for the community.
 - 2) The name and address of the grant applicant.
 - 3) The name and telephone number of grant project applicant's director or executive officer.
 - 4) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the grant applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.
 - 5) The name, address and contact person for each business whose employees will participate in literacy services.
 - 6) The name, address and contact person for domestic violence shelter facilities whose clients will participate in literacy services.
 - 7) The name, address and contact person for the local public library.
 - 8) The term of the literacy program.
 - 9) The total amount of grant money requested for the literacy program.
 - 10) A brief and explicit description of the literacy program purpose and goals.

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- 11) A statement supported by statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence, (statements from local officials, State Legislature requests, or community college reports) detailing the need for the literacy program in the particular community or geographic region of the grant applicant.
- 12) A statement of the instructional, promotional and training methods to be used by the grant applicant to meet its stated goals and objectives.
- 13) A statement of the grant applicant's plans to coordinate its effort with other community groups providing similar or related services, and to cooperate with other community groups, including education groups, volunteer organizations, governmental bodies, private business, and library organizations and a listing of participating agencies.
- 14) A statement detailing plans to evaluate projects objectives and program accomplishments by the grant applicant, including statistical data and how it is gathered and by whom and when.
- 15) A list of all organizations which are participating agencies in the literacy program project proposed by the grant applicant including signatures of organization representatives.
- 16) The budget for the literacy project, setting forth the personnel costs, fringe benefits (e.g., retirement benefits and health insurance), travel costs, equipment purchases, supplies, contractual services, instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.
- 17) A statement as to the time schedule for the completion of project objectives of the literacy program within the grant year.
- 18) For organizations that are not units of government, a statement of cash flow in accordance with Statement No. 95, FASB Statements of Financial Accounting Standards, Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut 06856, November 1987, no subsequent dates or editions included.
- 19) If the applicant is a charitable organization, the proper certification of

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federal and State tax exempt status.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 1434, effective January 12, 2004, for a maximum of 150 days)

Section 3040.140 Award of Grants, Accountability and Recordkeeping
EMERGENCY

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved, based upon the criteria in Section 3040.130.
- b) ~~Grant awards may be made upon appropriation of funds. The LAB shall make its recommendations on December 1 for Fiscal Year 1986 and July 1 for Fiscal Year 1987 and thereafter.~~
- c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary.
- d) The final approved grant applications and the funding determination shall constitute the Adult Literacy Grant Program, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclose pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- e) Approved grant applicants shall submit to the State Library, Office of the Secretary of State, such reports as deemed necessary by the Illinois State Library staff to assure project accountability.
- f) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5].

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 1434, effective January 12, 2004, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A, Table L Peremptory Action: Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Illinois Department of Labor certified on December 17, 2003 the prevailing wage for State employees in the southern region of the State and the Boiler Safety Specialist title. The contract with Local Union #363 became effective September 2, 2003.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: January 9, 2004
- 7) A Complete Description of the Subjects and Issues Involved: In southern Illinois, the Office of the State Fire Marshal has Boiler Safety Specialists who would receive a salary increase back to September 2, 2003.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: Upon receipt of the signed certificate, this notice will be filed with the Index Department.
- 10) A copy of the peremptory amendment, including any material incorporated, is on file in the agency's principal office and is available for public inspection. This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this rulemaking in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310. Appendix A, Table W	Amend	27 Ill. Reg. 9656, 07/07/2003
310.80	Amend	27 Ill. Reg. 10145, 07/11/2003
310.100	Amend	27 Ill. Reg. 10145, 07/11/2003

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.110	Amend	27 Ill. Reg. 10145, 07/11/2003
310.130	Amend	27 Ill. Reg. 10145, 07/11/2003
310.220	Amend	27 Ill. Reg. 10145, 07/11/2003
310.230	Amend	27 Ill. Reg. 10145, 07/11/2003
310.290	Amend	27 Ill. Reg. 10145, 07/11/2003
310.450	Amend	27 Ill. Reg. 10145, 07/11/2003
310.530	Amend	27 Ill. Reg. 10145, 07/11/2003
310.540	Amend	27 Ill. Reg. 10145, 07/11/2003
Appendix B	Amend	27 Ill. Reg. 10145, 07/11/2003
Appendix C	Amend	27 Ill. Reg. 10145, 07/11/2003
Appendix D	Amend	27 Ill. Reg. 10145, 07/11/2003
Appendix G	Amend	27 Ill. Reg. 10145, 07/11/2003
310. 230	Amend	27 Ill. Reg. 17304, 11/21/2003
310.280	Amend	27 Ill. Reg. 17304, 11/21/2003
310. Appendix A, Table AB	Amend	27 Ill. Reg. 17304, 11/21/2003

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

Ms. Marianne Armento

Department of Central Management Services

Division of Technical Services

504 William G. Stratton Building

Springfield IL 62706

(217) 782-5601

Fax: (217) 524-4570

The full text of the peremptory amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2003
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 310.300 Educator Schedule for RC-063 and HR-010
- 310.310 Physician Specialist Rate
- 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
- 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2003
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

- 310.APPENDIX A Negotiated Rates of Pay
 - 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
 - 310.TABLE AA NR-916 (Department of Natural Resources, Teamsters)
 - 310.TABLE AB VR-007 (Plant Maintenance Engineers, Operating Engineers)
 - 310.TABLE B HR-200 (Department of Labor - Chicago, Illinois – SEIU) (Repealed)
 - 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
 - 310.TABLE D HR-001 (Teamsters Local #726)
 - 310.TABLE E RC-020 (Teamsters Local #330)
 - 310.TABLE F RC-019 (Teamsters Local #25)

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310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2003
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2003
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2003
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2003

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11,

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1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill.

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Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill.

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Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill.

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Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE L RC-008 (Boilermakers)**

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>September 2, 2003</u>	<u>4698</u>

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

For counties other than the Southern Region, the following applies:

Effective: September 1, 2002

	Minimum Salary	Maximum Salary
Boiler Safety Specialist	4524.00	5976.90

(Source: Amended by peremptory rulemaking at 28 Ill. Reg. 1441, effective January 9, 2004)

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 January 6, 2004 through January 12, 2004 and have been scheduled for review by the Committee at its February 18, 2004 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>
2/19/04	<u>Department of Human Services</u> , General Assistance (89 Ill. Adm. Code 114)	10/3/03 27 Ill. Reg. 15253	2/18/04
2/19/04	<u>Department of Human Services</u> , Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)	10/3/03 27 Ill. Reg. 15226	2/18/04
2/19/04	<u>Department of Human Services</u> , General Administrative Provisions (89 Ill. Adm. Code 10)	10/3/03 27 Ill. Reg. 15221	2/18/04
2/20/04	<u>Illinois Racing Board</u> , Medication (11 Ill. Adm. Code 603)	10/10/03 27 Ill. Reg. 15753	2/18/04
2/25/04	<u>Illinois Building Commission</u> , Alternative Dispute Resolution Procedure (2 Ill. Adm. Code 3203)	11/21/03 27 Ill. Reg. 17322	2/18/04

DEPARTMENT OF HUMAN SERVICES

JANUARY 2004 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50
- 1) Rulemaking: Amendment
- A) Description: Make required annual adjustment to the income eligibility standards based on current State median income levels.
- B) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 04/01/04
- E) Effect on small businesses, small municipalities or not for profit corporations? This rulemaking may affect child care providers.
- F) Agency contact person for information:
Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50
- 1) Rulemaking: Amendment
- A) Description: Revise Child Care Payment provisions regarding nonpayment of child care for self-employed persons who work in the home.

DEPARTMENT OF HUMAN SERVICES

JANUARY 2004 REGULATORY AGENDA

- B) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 07/01/04
- E) Effect on small businesses, small municipalities or not for profit corporations? This rulemaking may affect child care providers.
- F) Agency contact person for information:
Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112
- 1) Rulemaking: Amendment
- A) Description: Changes made necessary by TANF Reauthorization: specifics unknown.
- B) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

DEPARTMENT OF HUMAN SERVICES

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- D) Date agency anticipates First Notice: Anticipated for April, 2004, but dependent upon the final signed legislation reauthorizing TANF
- E) Effect on small businesses, small municipalities or not for profit corporations? None
- F) Agency contact person for information:
Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Aid to the Aged, Blind or Disabled, 89 Ill. Adm. Code 113
- 1) Rulemaking: Amendment
- A) Description: Increase the grant adjustment and sheltered care rates.
- B) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 01/01/04
- E) Effect on small businesses, small municipalities or not for profit corporations? This rulemaking may affect licensed group care facilities.
- F) Agency contact person for information:
Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

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Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Food Stamps, 89 Ill. Adm. Code 121
- 1) Rulemaking: Amendment
- A) Description: Exempt IRAs and KEOG Plans from consideration as an asset. This implements a state option in the 2002 Farm Bill that allows states to exempt assets that are exempted in the TANF program.
- B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 04/01/04
- E) Effect on small businesses, small municipalities or not for profit corporations? None
- F) Agency contact person for information:
Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

JANUARY 2004 REGULATORY AGENDA

- f) Part(s) (Heading and Code Citation): Renal Diseases Program for Care and Treatment Code, 77 Ill. Adm. Code 700
- 1) Rulemaking: Repeal
- A) Description: This rule was recodified to DHS in 1997 incorrectly. DPA has rules now in place for the Renal Disease Program
- B) Statutory Authority: Implementing and authorized by Sections 1 and 3 of "AN ACT to establish in the Department of Public Health a program for the care of persons suffering from chronic renal diseases, designating powers and duties in relation thereto, and making an appropriation therefore" [410 ILCS 430].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 02/01/04
- E) Effect on small businesses, small municipalities or not for profit corporations? None
- F) Agency contact person for information:
Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Hemophilia Program, 77 Ill. Adm. Code 705
- 1) Rulemaking: Repeal
- A) Description: This rule was recodified to DHS in 1997 incorrectly. DPA is currently working on adopting these rules.

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- B) Statutory Authority: Implementing and authorized by "AN ACT establishing in The Illinois Department of Public Health a program for the care of persons suffering from hemophilia, establishing a Hemophilia Advisory Committee and designating powers and duties in relation thereto" [410 ILCS 420].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
- D) Date agency anticipates First Notice: 02/01/04
- E) Effect on small businesses, small municipalities or not for profit corporations? None
- F) Agency contact person for information:
Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
- G) Related rulemakings and other pertinent information: None

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

- a) Parts (Headings and Code Citations): Organization, Public Information, and Types of Proceedings; (2 Ill. Adm. Code 2175)
- 1) Rulemaking: R04-09
- A) Description: 2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board's offices, including their addresses and telephone numbers. The Board has changed the location of some of the satellite offices and needs to amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.
- B) Statutory authority: Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].
- C) Scheduled meeting/hearing dates: Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2004.
- E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

POLLUTION CONTROL BOARD

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

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-anticipated proceedings would affect the text of Part 2175.

- b) Parts (Headings and Code Citations):

General Rules (35 Ill. Adm. Code 101)
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)
Enforcement (35 Ill. Adm. Code 103)
Regulatory Relief Mechanisms (35 Ill. Adm. Code 104)
Appeals of Final Decisions of State Agencies (35 Ill. Adm. Code 105)
Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)
Petition to Review Pollution Control Facility Siting Decisions (35 Ill. Adm. Code 107)
Administrative Citations (35 Ill. Adm. Code 108)
Tax Certifications (35 Ill. Adm. Code 125)
Identification and Protection of Trade Secrets and Other Non-Disclosable Information
(35 Ill. Adm. Code 130)

- 1) Rulemaking: R04-08

- A) Description: The Board is preparing a rulemaking to amend its procedural regulations to allow for electronic filings in all Board proceedings through

POLLUTION CONTROL BOARD

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the Board's new "Clerk's Office On-Line" (COOL), and to reflect recent statutory changes to the Environmental Protection Act (415 ILCS 5).

The statutory changes were primarily contained in P.A. 93-152 and include (1) having the Illinois Environmental Protection Agency, rather than the Board, issue provisional variances, (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and (3) a new rulemaking procedure for updating incorporations by reference.

- B) Statutory authority: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].
- C) Scheduled meeting/hearing dates: No hearings are scheduled at this time. However, once a proposal is prepared, the Board will hold hearings on the proposal as established in Section 27 of the Environmental Protection Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2004.
- E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently anticipated proceedings would affect the text of Parts 101 through 130.

c) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)

Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

- 1) Rulemaking: No docket presently reserved

- A) Description: The IEPA is currently developing amendments for proposal to the Board, as part of a general clean-up of Part 218 and Part 219. This involves modifying and clarifying the Illinois ozone rules pertaining to: (1) lithographic printing; (2) perchlorethylene dry cleaners; (3) capture efficiency testing; (4) coating operations; (5) the general provisions involving "carbon adsorbers"; and (6) motor vehicle refinishing. Additionally, Appendix B of Parts 218 and 219 will be deleted. Further, the rulemaking will amend Part 211 as necessary to reflect the changes made to 35 Ill. Adm. Code Parts 218 and 219.
- B) Statutory authority: Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2 & 28.5].

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- C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its rulemaking proposal to the Board in the Spring or Summer of 2004. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 of the Environmental Protection Act [415 ILCS 5/27 or 28.5] for rulemakings that are required under the federal CAA.
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a clean up of existing requirements.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Board docket R04-02 (see item (d) below) could affect the text of Part 211. No other

POLLUTION CONTROL BOARD

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presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Charles Matoesian
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

d) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R04-19

A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R04-19 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2003 through December 31, 2003. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about

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mid-February 2004. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R04-19, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2003, the due date for Board adoption would be July 1, 2004.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2004, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2004, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of

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a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-19, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R04-19, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
E-mail: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Part 211.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- e) Part(s) Heading(s) and Code Citation(s): Air Curtain Incinerators (35 Ill. Adm. Code 211, 212, 230, 237)
- 1) Rulemaking: No docket presently reserved

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- A) Description: Pursuant to Sections 111(d) and 129 of the Clean Air Act, the USEPA promulgated emission guidelines for municipal solid waste (MSW) and commercial and industrial solid waste (CISWI) air curtain incinerators (65 Fed. Reg. 76378 and 65 Fed. Reg. 75337). Illinois is required to adopt a State plan that includes rules, implementing these emission guidelines. This rule would apply to CISWI units that commenced construction on or before November 30, 1999, and units where reconstruction or modification commenced prior to June 1, 2001, and to MSW units that commenced construction on or before August 30, 1999, and units where reconstruction or modification commenced prior to June 6, 2001. The Agency's proposal will include requirements for opacity, permitting, and record keeping and reporting.
- B) Statutory Authority: Implementing Sections 9, 9.1,10, and 39 of the Illinois Environmental Protection Act [415 ILCS 5/9, 9.1, 10, and 39] and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 and 28.5].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28.5 of the Act [415 ILCS 5/27 & 28.5].
- D) Date Agency Anticipates First Notice: A Spring or Summer of 2004 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities or not-for-profit corporations: The prospective amendments would affect small businesses, small municipalities, or not-for-profit corporations that own or operate Existing Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators.
- F) Agency and Board contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
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POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

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Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Rachel L. Doctors
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
217/524-3337
E-mail: epa8856@epa.state.il.us

- f) Part (Heading and Code Citation): Portable Fuel Containers (35 Ill. Adm. Code 211, 218 and 219)

- 1) Rulemaking: No docket presently reserved

- A) Description: This rulemaking will address emissions from portable fuel containers.
- B) Statutory authority: Implementing Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]
- C) Scheduled meeting /hearing date: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

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- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation utilizing portable fuel containers.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

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E-mail: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Charles Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
E-mail: epa8855@epa.state.il.us

- g) Part (Heading and Code Citation): Sulfur Limitations; (35 Ill. Adm. Code 214)

POLLUTION CONTROL BOARD

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- 1) Rulemaking: Docket number R04-12
 - A) Description: The Board has reserved docket number R04-12 to propose non-substantive corrections to Part 214. These include typographical errors to formulas. (See dismissed docket R04-10, "Clean-Up Amendments to 35 Ill. Adm. Code 214.")

The Board presently anticipates proposing necessary amendments by the beginning of Spring 2004.
 - B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
 - C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing in each of Chicago and Springfield, as required by Section 28 of the Act [415 ILCS 5/28] and Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.
 - D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to complete its review of the text of Part 214 by early March 2004, after which time the Board will propose any non-substantive amendments to the Illinois sulfur limitations regulations that are necessary. If the Board is assumed to complete the review of the text of Part 214 by early March 2004, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2004.
 - E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that is subject to the existing limitations on the emission of sulfur oxides.
 - F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-12, as follows:

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R04-12, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
E-mail: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Part 214.
- h) Part(s) Heading(s) and Code Citation(s): Commercial and Industrial Solid Waste Incineration Units (35 Ill. Adm. Code 212 & 230)
- 1) Rulemaking: No docket presently reserved
- A) Description: On December 1, 2000, pursuant to Sections 111(d) and 129 of the Clean Air Act, the USEPA promulgated emission guidelines for commercial and industrial solid waste incinerators (65 Fed. Reg. 75337). Illinois is required to adopt a State plan that includes rules, implementing these emission guidelines. This rule would apply to units that commenced construction on or before November 30, 1999, and units where reconstruction or modification commenced prior to June 1, 2001.
- B) Statutory Authority: Implementing Sections 10, 39 and 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 39 and 39.5] and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].

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- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: A Spring or Summer of 2004 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities or not-for-profit corporations: The prospective amendments would affect small businesses, small municipalities, or not-for-profit corporations that own or operate Existing Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators.
- F) Agency and Board contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
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100 West Randolph Street, Suite 11-500
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Address questions concerning this regulatory agenda as follows:

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E-mail: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Rachel L. Doctors
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

Springfield, Illinois 62794-9276
217/524-3337
E-mail: epa8856@epa.state.il.us

- i) Part (Heading and Code Citation): Air Quality Standards (35 Ill. Adm. Code 243)
- 1) Rulemaking: No docket presently reserved
- A) Description: This rulemaking will make amendments to address the new PM 2.5 standard and incorporate the new 8-hour ozone standard.
- B) Statutory authority: Implementing Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]
- C) Scheduled meeting /hearing date: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule will not directly affect any small business, small municipality, or not-for-profit corporation.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

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1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the IEPA's development of this proposal, please contact:

Charles Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
E-mail: epa8855@epa.state.il.us

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

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the water quality standards for radium. These amendments revise the General Use and Lake Michigan Basin radium water quality standards and add a Public and Food Processing Water Supply standard for radium. The revised water quality standards will provide for the protection of aquatic organisms and human health. The amended water quality standards will be used by the Illinois Environmental Protection Agency in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.
- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

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- C) Scheduled meeting /hearing date: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges particular contaminants into waters of the State.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

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P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the IEPA's development of this proposal, please contact:

Toby Frevert

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield Il. 62794-9276
217/782-1654

- k) Part (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)
- 1) Rulemaking: No docket presently reserved
- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the water quality standards for total dissolved solids, sulfate and chloride. These amendments revise and add numeric water quality standards for the protection of aquatic life. The amended water quality standards will be used by the Illinois Environmental Protection Agency in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.
- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality,

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JANUARY 2004 REGULATORY AGENDA

or not-for-profit corporation that discharges particular contaminants into waters of the State.

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

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
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Address questions concerning this regulatory agenda as follows:

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- G) Related rulemaking and other pertinent information: For information regarding the IEPA's development of this proposal, please contact:

Toby Frevert
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Springfield, Il. 62794-9276
217/782-1654

- l) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

- 1) Rulemaking: No docket presently reserved

- A) Description: 35 Ill. Adm. Code 303 contains the Board's water use designations for all bodies of water in the State of Illinois with use designations other than general use. The IEPA has established a

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workgroup to conduct a Use Attainability Analysis, pursuant to 40 C.F.R. §131.10, of the portions of the lower Des Plaines River that are currently classified as secondary contact and indigenous aquatic life waters pursuant to 35 Ill. Adm. Code 303.441. In addition, the IEPA is preparing a rulemaking proposal for filing before the Board will recommend updating and/or upgrading the use designation of the lower Des Plaines River from its confluence with the Sanitary and Ship Canal to the Interstate 55 bridge.

- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the lower Des Plaines River.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

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- G) Related rulemaking and other pertinent information: For information regarding the IEPA's development of this proposal, please contact:

Toby Frevert
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217/782-1654

- m) Parts (Headings and Code Citations):

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

- 1) Rulemaking: Docket number R04-18

- A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R04-18 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2003 through December 31, 2003. At this time, the Board is aware that USEPA undertook no actions that affected the text of 40 CFR 400 through 499 and its implementation. However, USEPA twice updated 40 CFR 136, which is incorporated by reference in the wastewater pretreatment rules. These actions are described below:

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July 21, 2003 (68 Fed. Reg. 43272)	USEPA approved new methods for microbiological analysis of water and wastewater.
September 19, 2003 (68 Fed. Reg. 54934)	USEPA corrected its July 21, 2003 approval of new methods for microbiological analysis of water and wastewater.

The Board will verify the existence of any additional federal actions that may affect the text of 40 CFR 400 through 499 and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2004. The Board will then propose corresponding amendments to the Illinois SDWA regulations using the identical-in-substance procedure under docket R04-18, as necessary and appropriate.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first action in the update period, that of July 21, 2003, the due date for Board adoption would be July 21, 2004.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2004, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 21, 2004, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early May 2004. This would be sufficiently in advance of the due date to

POLLUTION CONTROL BOARD

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allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-18, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R04-18, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
E-mail: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Parts 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

POLLUTION CONTROL BOARD

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- n) Part (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)
- 1) Rulemaking: No docket presently reserved
- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge that is applied to land.
- B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]
- C) Schedule meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal during the Spring or Summer of 2004. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal during the Spring or Summer of 2004. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

POLLUTION CONTROL BOARD

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Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently known Board proceedings would potentially impact the general provisions of Part 313.

The IEPA anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Lisa Moreno
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Alan Keller, P.E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/82-0810

POLLUTION CONTROL BOARD

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- o) Part(s) (Heading and Code Citation): Agriculture Related Water Pollution (35 Ill. Adm. Code Subtitle E)
- 1) Rulemaking: No docket presently reserved
- A) Description: The Illinois Environmental Protection Agency (IEPA) will prepare a rulemaking proposal for filing before the Board Relating to the new Concentrate Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were signed by USEPA on December 15, 2002. The IEPA anticipates a review of Subtitle E and a proposal to ensure that it remains consistent with the federal regulations.
- B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2004. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28]
- D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2004. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rule could affect any agribusiness that meets the federal definition of a Concentrated Animal Feeding Operation.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Bruce Yurdin
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

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

- 1) Rulemaking: Docket number R04-13

- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R04-13 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2003 through December 31, 2003. At this time, the Board is not aware of any federal amendments to the federal SDWA primary drinking water regulations.

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The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2004. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R04-13, as necessary and appropriate.

Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2003, the due date for Board adoption would be July 1, 2004.

- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2004, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2004, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

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- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-13, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R04-13, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
312/814-6924
E-mail: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Part 611.

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

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- q) Parts (Headings and Code Citations): Laboratory Accreditation Rules (35 Ill. Adm. Code 611)
- 1) Rulemaking: No docket presently reserved
- A) Description: The Illinois Environmental Protection Agency's (IEPA) proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear safety. A repeal of Part 183 has been completed.
- B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].
- C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2004. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
- E) Affect on small business, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611.

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However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

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

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Other pertinent information concerning these amendments: Another prospective proceeding (see item (p) above) and other, as yet unknown proceedings could affect the text of Part 611.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Jim Shaw
Division of Laboratories
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217/782-5544

- r) Parts (Headings and Code Citations):

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RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R04-14

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R04-14 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2003 through December 31, 2003. At this time, the Board is not aware of any federal amendments to the federal UIC regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2004. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R04-14, as necessary and appropriate.

The Board will verify the existence of any additional federal actions that may affect the text of the federal UIC regulations and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2004. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure under docket R04-14, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is the first day of the update period, on July 1, 2003, the due date for Board adoption of all amendments in the period would be July 1, 2004.

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- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2004, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2004, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-14, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R04-14, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
E-mail: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket R04-16 (see item (s) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 738.

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

s) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Standards for The Management of Used Oil (35 Ill. Adm. Code 739)

- 1) Rulemaking: Docket number R04-16

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- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R04-16 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2003 through December 31, 2003. At this time, the Board is aware that USEPA undertook one action that affected the text of the federal RCRA Subtitle C hazardous waste regulations. Further, USEPA twice updated 40 CFR 136, which is incorporated by reference in the Illinois hazardous waste rules. These actions are described below:

July 21, 2003 (68 Fed. Reg. 43272)	USEPA approved new methods for microbiological analysis of water and wastewater.
July 30, 2003 (68 Fed. Reg. 44659)	USEPA adopted a number of corrective and clarifying amendments to the used oil management standards.
September 19, 2003 (68 Fed. Reg. 54934)	USEPA corrected its July 21, 2003 approval of new methods for microbiological analysis of water and wastewater.

The Board will verify the existence of any other federal actions and the Board action required in response to each in coming weeks, by about mid-February 2004. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure or dismiss docket R04-16, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 21, 2003, the due date for Board adoption would be July 21, 2004.

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- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2004, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 21, 2004, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-16, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R04-16, as follows:

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
E-mail: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: The reserved UIC update docket R04-b (see item (r) above), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739.

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

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

- 1) Rulemaking: Docket number R04-17

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R04-17 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2003 through December 31, 2003. At this time, the Board is not aware of any federal amendments. The Board will verify the existence of any federal actions and the Board action required in response to each in

POLLUTION CONTROL BOARD

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coming weeks, by about mid-February 2004. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R04-17, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2003, the due date for Board adoption would be July 1, 2004.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2004, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2004, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board would promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

POLLUTION CONTROL BOARD

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-17, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R04-17, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
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E-mail: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- u) Part(s) (Headings and Code Citation): Petroleum Underground Storage Tanks (35 Ill. Adm. Code Part 732)

- 1) Rulemaking: No docket presently reserved.

- A) Description: 35 Ill. Adm. Code Part 732 contains the rules governing the remediation of leaking underground storage tanks. The statutory provisions governing the leaking underground storage tank program, Title

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XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. Amendments updating the Pollution Control Board's rules in light of these Public Acts will be proposed. Amendments to the rules governing reimbursement from the Underground Storage Tank Fund will also be proposed.

- B) Statutory Authority: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].
- C) Scheduled Meeting/Hearing Dates: The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Spring or Summer of 2004, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's leaking underground storage tank rules.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: For information regarding the development of these amendments please contact:

M. Kyle Rominger
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544
E-mail: Kyle.Rominger@epa.state.il.us

- v) Part(s) (Headings and Code Citation): Petroleum Underground Storage Tanks (Releases Reported on or After June 24, 2002) (New Part)

- 1) Rulemaking: No docket presently reserved

- A) Description: The statutory provisions governing the leaking underground storage tank program, Title XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. A new Part to the Pollution Control Board's rules will be proposed in light of the changes made by the Public Acts. Amendments to the rules governing reimbursement from the Underground Storage Tank Fund will also be proposed.
- B) Statutory Authority: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].
- C) Scheduled Meeting/Hearing Dates: The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Spring or Summer of 2004, after which the Board will

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cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's leaking underground storage tank rules.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: Amendments to the Pollution Control Board's rules at 35 Ill. Adm. Code 732 will be proposed in conjunction with the new Part 734.

For information regarding the development of these amendments please contact:

M. Kyle Rominger
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544
E-mail: Kyle.Rominger@epa.state.il.us

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w) Part(s) (Headings and Code Citation): Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: No docket presently reserved

- A) Description: Since the Board rules were adopted on June 5, 1997, the IEPA's implementation of the rules has given rise to the need for some amendments, corrections, and clarifications to existing rules. Additionally, technical documents that were used in drafting the rules have been updated, necessitating amendments to the rules.
- B) Statutory Authority: These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].
- C) Scheduled Meeting/Hearing Dates: The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Spring or Summer of 2004, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's tiered approach to corrective action rules
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other presently known proceeding would impact the text of Part 742.

For information regarding the development of these amendments please contact:

Kimberly A. Geving
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

- x) Part(s) (Headings and Code Citation): Ecological Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 743)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois EPA anticipates proposing a new Part setting forth procedures for evaluating the risk to ecological receptors posed or potentially posed by releases of regulated substances and for developing benchmarks that adequately protect those ecological receptors.
- B) Statutory Authority: These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].
- C) Scheduled Meeting/Hearing Dates: The Illinois EPA anticipates it will file a rulemaking proposal in Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board

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will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Spring or Summer of 2004, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation electing to participate in the voluntary Site Remediation Program, pursuant to 35 Ill. Adm. Code 740, and required to perform an ecological risk assessment pursuant to the new Part.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/82-471
E-mail: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: The Agency anticipates submitting related amendments to 35 Ill. Adm. Code 740 in conjunction with the proposal of Part 743.

For information regarding the development of these amendments please contact:

POLLUTION CONTROL BOARD

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Judith S. Dyer
 1021 N. Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 217/782-5544

y) Parts (Headings and Code Citations):

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

1) Rulemaking: Presently reserved docket number R04-15

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R04-15 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2003 through December 31, 2003. At this time, the Board is aware that USEPA undertook one action that affected the text of the federal RCRA Subtitle C hazardous waste regulations. Further, USEPA twice updated 40 CFR 136, which is incorporated by reference in the Illinois hazardous waste rules. These actions are described below:

October 15, 2003 (68 Fed. Reg. 59333)	USEPA amended the rules to add a note referencing the adoption of the Wendell H. Ford Aviation Investment Act prohibiting location of a new landfill within six miles of certain public airports.
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The Board will verify the existence of any other federal actions and the Board action required in response to each in coming weeks, by about mid-February 2004. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D municipal solid waste regulations using the identical-in-substance procedure or dismiss docket R04-15, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R04-15, if the earliest federal amendments in the applicable period is assumed to have occurred on October 15, 2003, the due date would be October 15, 2004.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2004, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be October 15, 2004, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late July 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

POLLUTION CONTROL BOARD

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-15, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R04-15, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
E-mail: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Parts 807, 810, 811, 812, 813, 814, or 815.

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

- z) Part(s) (Headings and Code Citation): Recycling Facilities (35 Ill. Adm. Code 840) (New Part).

1) Rulemaking: No docket presently reserved

- A) Description: New rules containing operating standards for certain recycling facilities will be proposed. Recycling facilities anticipated to be

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covered by the new rules are those where paper, glass, plastic, metal cans, aluminum containers, or textiles are recycled.

- B) Statutory Authority: Implementing Sections 5, 21, 22 and 28, and authorized by Section 27, of the Environmental Protection Act [415 ILCS 5/5, 21, 22, 27 and 28].
- C) Scheduled Meeting/Hearing Dates: The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Spring or Summer of 2004, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This Part may affect any small business, small municipality or not-for-profit corporation that owns or operates a recycling facility..
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-782-2471
E-mail: conleye@ipcb.state.il.us

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G) Related Rulemaking and other pertinent information: None

For information regarding the development of these amendments please contact:

M. Kyle Rominger, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
E-mail: Kyle.Rominger@epa.state.il.us

aa) Part(s), (Headings and Code Citations):

Standards and Requirements for New and Existing [Municipal Waste] Transfer Stations
(New Part)

Information to be Submitted in a Permit Application for a [Municipal Waste] Transfer
Station (New Part)

Procedural Requirements for [Municipal Waste] Transfer Station Permits (New Part)

1) Rulemaking: No docket presently reserved

A) Description: Solid waste transfer stations currently are regulated under 35 Ill. Adm. Code 807. The Part 807 rules were developed primarily for solid waste landfills. As applied to transfer stations, they are very general with many of the specific requirements for transfer stations imposed through permit conditions under Section 807.206. Transfer stations are increasing in number and importance in Illinois' waste management system. In addition, the United States Environmental Protection Agency published in June 2002 "Waste Transfer Stations: A Manual for Decision-Making" (EPA530-R-02-002), guidance developed to "promote the use of best practices in transfer station siting, design and operation to maximize facilities' effectiveness while minimizing their impact on the community." In light of these factors, the Illinois Environmental Protection Agency ("Illinois EPA") is developing new Parts that will provide more specific requirements for the design, construction, operation and closure of solid waste transfer stations as well as fees and procedures for obtaining permits. Currently, the draft proposal addresses only municipal waste

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transfer stations, but it may be expanded to other, non-hazardous wastes prior to submission to the Board.

- B) Statutory authority: These rules will be proposed pursuant to Sections 4(i), 5(f), 21(d), 22, 27 and 28 of the Environmental Protection Act (“Act”) [415 ILCS 5/4(i), 5(f), 21(d), 22, 27, 28].
- C) Scheduled meeting/hearing dates: The Illinois EPA anticipates it will file a rulemaking proposal in late 2003 or early 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 28].
- D) Date Agency anticipates First Notice: Submission to the Board by the Illinois EPA may be as soon as the Spring or Summer of 2004, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they receive waste for transfer prior to treatment or disposal. For those that do, the substantive changes in requirements for design, construction and operation are expected to be minimal with many existing transfer stations already in compliance with most of the standards and requirements. However, there may be some expense for upgrading existing transfer stations. In addition, fees for the review and issuance of permits and for periodic facility inspections will be proposed.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator

POLLUTION CONTROL BOARD

JANUARY 2004 REGULATORY AGENDA

Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-782-2471
E-mail: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding will affect solid waste transfer stations.

For information regarding the development of these rules please contact:

Mark Wight
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
E-mail: Mark.Wight@epa.state.il.us

DEPARTMENT OF PROFESSIONAL REGULATION

JANUARY 2004 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)

1) Rulemaking:

A) Description: Technical revisions

B) Statutory Authority: [225 ILCS 305]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed architects may be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Illinois Controlled Substances Act (77 Ill. Adm. Code 3100)

1) Rulemaking:

A) Description: Mid-level practitioner provisions will be amended to provide for controlled substance licensure of euthanasia agencies certified under the Humane Euthanasia in Animal Shelters Act [510 ILCS 72].

B) Statutory Authority: [720 ILCS 570]

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- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: February 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: Animal shelters wishing to be certified as euthanasia agencies will be affected.
- F) Agency contact person for information:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code 1252)

- 1) Rulemaking:
 - A) Description: Technical revisions will be included relating to experience requirements.
 - B) Statutory Authority: [225 ILCS 745]
 - C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
 - D) Date agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not for profit corporations: Individuals wishing to be licensed as professional geologists may be affected.
 - F) Agency contact person for information:

DEPARTMENT OF PROFESSIONAL REGULATION

JANUARY 2004 REGULATORY AGENDA

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Illinois Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270)

1) Rulemaking:

A) Description: Various technical revisions will be included relating to experience and standards of practice. Future CE hours will be increased from 20 to 24 per renewal period, including a requirement for instruction on the Act and Rules and on ethics.

B) Statutory Authority: [225 ILCS 330]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed land surveyors will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PROFESSIONAL REGULATION

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e) Part(s) (Heading and Code Citation): Massage Therapy Act (New Part)1) Rulemaking:

A) Description: A new Part will be written to implement this Act. The Department is required to promulgate rules requiring the licensure of massage therapists, including a schedule of fees for the administration and enforcement of the Act. When the rules are adopted, the Department can start accepting applications.

B) Statutory Authority: [225 ILCS 57]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Individuals providing massage therapy services will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)1) Rulemaking:

A) Description: Technical revisions to various sections may be made.

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- B) Statutory Authority: [225 ILCS 425]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Nursing Home Administrators Licensing and Disciplinary Act (68 Ill. Adm. Code 1310)
- 1) Rulemaking:
- A) Description: Various technical changes will be made to the Rules so that they are consistent with the Act.
- B) Statutory Authority: [225 ILCS 70]
- C) Schedule meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed nursing home administrators will be affected.
- F) Agency contact person for information:

DEPARTMENT OF PROFESSIONAL REGULATION

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Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.
- h) Part(s) (Heading and Code Citation): Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)
- 1) Rulemaking:
- A) Description: Technical revisions may be made.
- B) Statutory Authority: [225 ILCS 325]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional engineers will be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Public Accounting Act (68 Ill. Adm. Code 1420)

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- 1) Rulemaking:
 - A) Description: Various sections may be updated to reflect PA 92-457.
 - B) Statutory Authority: [225 ILCS 450]
 - C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
 - D) Date agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not for profit corporations: Registered public accountants will be affected.
 - F) Agency contact person for information:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645
 - G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1465)
 - 1) Rulemaking:
 - A) Description: Provisions will be added to provide for temporary licensure, as provided for in PA 93-112.
 - B) Statutory Authority: [225 ILCS 110]
 - C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
 - D) Date agency anticipates First Notice: Unknown

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- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed speech-language pathologists and those seeking temporary licensure may be affected.
- F) Agency contact person for information:
- Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act (New Part)
- 1) Rulemaking:
- A) Description: A new Part will be written to implement this Act. The Department is required to promulgate rules requiring the registration of surgical assistants and surgical technologists, including a schedule of fees for the administration and enforcement of the Act, PA 93-280. When the rules are adopted, the Department can start accepting applications.
- B) Statutory Authority: [225 ILCS 130]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Those wishing to be registered as surgical assistants or surgical technologists will be affected.
- F) Agency contact person for information:

Department of Professional Regulation

DEPARTMENT OF PROFESSIONAL REGULATION

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Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

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a) Part(s) (Heading and Code Citation): Access to Image and Signature, 92 Ill. Admin. Code 1030.140

1) Rulemaking:

A) Description of Rule(s): To broaden the definition of law enforcement eligible to access photos of DL and ID holders to include those that are out-of-state and in other areas of law enforcement not involving provisions of the Illinois Vehicle Code. Access currently is limited to those who enforce the Illinois Vehicle Code.

B) Statutory Authority: 625 ILCS 5/6-110.1(4)

C) Scheduled Meeting/Hearing Dates: June 2004

D) Date the Agency Anticipates First Notice: April 2004

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: None

F) Agency Contact Person for Information:

Robert Mueller
Assistant General Counsel
Driver Services
Office of the Secretary of State
2701 South Dirksen Parkway
Springfield, IL 62723
217/782-5356
Fax: 217/785-1385
Rmueller@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

b) Part(s) (Heading and Code Citation): Requirement for Photograph and Signature, 92 Ill. Admin. Code 1030.90

1) Rulemaking:

A. Description of Rule(s): These proposed amendments will update the Administrative Rules so they complement the law allowing qualified

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telescopic drivers to have nighttime driving privileges by obtaining a special restriction on their driver's license. This law became effective January 2001.

- B) Statutory Authority: Section 625 ILCS 5/6-113(g)
- C) Scheduled Meeting/Hearing Dates: March 2004
- D) Date Agency Anticipates First Notice: February 2004
- E) Affect on Small Business, Small Municipalities or Not For Profit Corporations: None
- F) Agency Contact Person for Information:

Steve Jenkins
Medical Review Unit
Driver Services
Office of the Secretary of State
2701 Dirksen Parkway
Springfield, IL 62723
217/785-2972
Fax: 217/785-3016
sjenkins@ilsos.net

- G) Related Rulemaking and Other Pertinent Information: None

c) Part(s) (Heading and Code Citation): Lobbyist Registration Act, 2 Ill. Admin. Code 560

1) Rulemaking:

- A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to legislative enactments related to lobbyist registration, expenditure reports, fees, and making same available via the World Wide Web.
- B) Statutory Authority: Lobbyist Registration Act, 25 ILCS 170
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown

SECRETARY OF STATE

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- E) Affect on Small Business, Small Municipalities or Not For Profit Corporations: Business entities, local governments and not for profits will experience registration fee increases when registering as a lobbying entity.
- F) Agency Contact Person for Information:
- Jacqueline Price, Director
Index Department
Office of the Secretary of State
111 E. Monroe Street
Springfield, IL 62756
217-782-0645
Fax 217-524-0930
jprice@ilsos.net
- G) Related Rulemaking and Other Pertinent Information: None
- d) Part(s) (Heading and Code Citation): Illinois Governmental Ethics Act, 2 Ill. Admin. Code 565
- 1) Rulemaking:
- A) Description of Rules: Amend rules and draft rules generally to conform regulations to legislative enactment related to making statement of economic interest available on the Secretary of State web site.
- B) Statutory Authority: Illinois Governmental Ethics Act, 5 ILCS 420/4a
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Affect on Small Business, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
- Jacqueline Price, Director
Index Department

SECRETARY OF STATE

JANUARY 2004 REGULATORY AGENDA

Office of the Secretary of State
111 E. Monroe Street
Springfield, IL 62756
217-782-0645
Fax 217-524-0930
jprice@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

e) Part(s) (Heading and Code Citation): Illinois Business Brokers Act of 1995, 14 Ill. Admin. Code 140

1) Rulemaking:

A) Description of Rules: Amend rules and draft rules generally to conform regulations to legislative enactments.

B) Statutory Authority: Illinois Business Broker Act, 815 ILCS 307/10-1

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Affect on Small Business, Small Municipalities or Not for Profit Corporations: Unknown

F) Agency Contact Person for Information:

Tanya Solov, Director
Illinois Securities Department
Office of the Secretary of State
69 W. Washington Street, Suite 1220
Chicago IL 60602
312/793-3384
Fax: 312/793-1202
tsolov@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

SECRETARY OF STATE

JANUARY 2004 REGULATORY AGENDA

f) Part(s) (Heading and Code Citation): Illinois Securities Law of 1953, 14 Ill. Admin. Code 130

1) Rulemaking:

A) Description of Rule(s): Amend rules and draft rules generally to state and federal legislative enactments and rules of the US Securities and Exchange Commission.

B) Statutory Authority: Illinois Securities Law of 1953, 815 ILCS 5/1

C) Scheduled Meeting/Hearing Dates: None

D) Date the Agency Anticipates First Notice: Unknown

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: Unknown

F) Agency Contact Person for Information:

Tanya Solov, Director
Illinois Securities Department
Office of the Secretary of State
69 W. Washington Street, Suite 1220
Chicago IL 60602
312/793-3384
Fax: 312/793-1202
tsolov@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

g) Part(s) (Heading and Code Citation): Illinois Business Opportunity Sales Law of 1995, 14 Ill. Admin. Code 135

1) Rulemaking:

A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments.

SECRETARY OF STATE

JANUARY 2004 REGULATORY AGENDA

- B) Statutory Authority: Illinois Business Opportunity Sales Law of 1995, 815 ILCS 602/5-1
- C) Schedule Meeting/Hearing Dates: None
- D) Date the Agency Anticipates First Notice: Unknown
- E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: Unknown
- F) Agency Contact Person for Information:

Tanya Solov, Director
Illinois Securities Department
Office of the Secretary of State
69 W. Washington Street, Suite 1220
Chicago IL 60602
312/793-3384
Fax: 312/793-1202
tsolov@ilsos.net

- G) Related Rulemaking and Other Pertinent Information: None

h) Part(s) (Heading and Code Citation): Illinois Loan Brokers Act of 1995, 14 Ill. Admin. Code 145.

1) Rulemaking:

- A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative changes.
- B) Statutory Authority: Illinois Loan Brokers Act of 1995, 815 ILCS 175/15-1
- C) Scheduled Meeting/Hearing Dates: None
- D) Date the Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not For Profit Corporations: Unknown

SECRETARY OF STATE

JANUARY 2004 REGULATORY AGENDA

F) Agency Contact Person for Information:

Tanya Solov, Director
Illinois Securities Department
Office of the Secretary of State
69 W. Washington Street, Suite 1220
Chicago IL 60602
312/793-3384
Fax: 312/793-1202
tsolov@ilsos.net

G) Related Rulemaking and Other Pertinent Information: Nonei) Part(s) (Heading and Code Citation): Procedures and Standards; 92 Ill. Admin. Code 1001.10, et seq.1) Rulemaking:A) Description of Rule(s):

1. The amendments would revise and modify various sections to accommodate and implement changes in the Illinois Vehicle Code, clarify rules which are already in existence but have been the recent subject of controversy, and promulgate a broad statement of policy in an attempt to respond to certain adverse circuit and appellate court opinions. These changes will include such things as, but not be limited to:
 - i. Section 1001.70, .420(a), and .430(c): recent amendments to the IVC prohibit the issuance of any driving relief to a person convicted and imprisoned for Reckless Homicide for two (2) years from: the effective date of the revocation of release from prison. See 6-103(a)15 and 6-208(b)1. These provisions are problematic because there currently is no way to obtain this information or to enter it on the convict's driving record. It is our plan to write a rule which places the burden on the convict/petitioner to provide this information to the Secretary of State when he/she applies for driving relief;

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JANUARY 2004 REGULATORY AGENDA

- ii. Section 1001.30 and 320: clarify who may represent a petitioner at formal and informal hearings;
- iii. Section 1001.300(c): amend subparagraph (3) so that a petitioner can renew a permit after being sentenced to court supervision for a petty traffic offense;
- iv. Section 1001.400: Propose a general statement of policy in regard to how evidence in DUI hearings is evaluated and decisions made.
- v. Sections 1001.420(h) and 430: amend these rules to make it clear that petitioners must prove an undue hardship, in order to be issued restricted driving permits, when their hearing occurs **prior** to their date of eligibility to reinstatement; and that they do not have to prove an undue hardship in order to be issued (probationary) restricted driving permits when their hearing takes place **after** their date of eligibility for reinstatement.
- vi. Section 1001.440(a):

Subsection (4) may be amended to require that a petitioner's alcohol/drug use history be included with the original evaluation;

Subsection (6)(A) may be amended to clarify the manner in which a petitioner's case file may be transferred from one service provider to another;

Subsection (6)(B) may be amended to require a discussion of any alcohol/drug related arrests since the previous updated evaluation;
- vii. Section 1001.440(d): add that a victim's impact statement may be considered as a factor in deciding whether to issue driving relief;
- viii. Section 1001.450: add a subsection which clarifies how

SECRETARY OF STATE

JANUARY 2004 REGULATORY AGENDA

long a petitioner must wait after a formal hearing before s/he can go to an informal hearing;

ix. Section 1001.460:

Subsection (b) may be amended to add a factor which the hearing officer can consider in deciding whether to recommend that a suspension or revocation entered pursuant to §6-206(a)10 or 14 of the IVC (fraudulent licenses, permits and identification cards, and violations of the Illinois Identification Card Act). We intend to allow hearing officers to consider modification if the petitioner cooperates with law enforcement or the Secretary of State in apprehending, prosecuting, etc., those who manufacture, supply, distribute, etc., fraudulent licenses, permits and identification cards;

In subsection (d), clarify the Secretary's policy in regard to the extent to which discretionary revocations and suspensions can be modified;

Subsection (e) may be amended to grant credit for out-of-state implied consent suspensions and Commercial Driver's License disqualifications;

- B) Statutory Authority: 625 ILCS 5/2-104
- C) Scheduled Meeting/Hearing Dates: The public will have an opportunity to comment on these rules during the first notice period.
- D) Date the Agency Anticipates First Notice: Spring 2004
- E) Impact on Small Business, small Municipalities or Not For Profit Corporations: None
- F) Agency Contact Person for Information:

Marc Christopher Loro
Administrative Hearings
Office of the Secretary of State

SECRETARY OF STATE

JANUARY 2004 REGULATORY AGENDA

Howlett Building, Room 200
Springfield, IL 62756
217-785-8245
Fax 217-782-2192
mloro@ilsos.net

- G) Related Rulemaking and Other Pertinent Information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Federal Family Education Loan Program (FFELP); 23 Ill. Adm. Code 2720
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2004
- E) Affect on small business, municipalities or not for profit corporations:
None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500
- G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

b) Part (Heading and Code Citation): Monetary Award Program (MAP); 23 Ill. Adm. Code 2735

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. A number of amendments will be proposed to this Part to reflect the introduction of a new system for measuring and tracking MAP usage. Starting with the 2004-05 academic year, eligibility for a MAP Grant will be tracked by the equivalent number of semester credit hours of MAP benefits paid on a student's behalf, maximum program benefits allowed will be based on credit hours paid and payment for each term will be made according to the equivalent number of credit hours eligible for MAP payment.
- B) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2004
- E) Affect on small business, municipalities or not for profit corporations:
None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

Deerfield, Illinois 60015-5209
847/948-8500

G) Related rulemakings and other pertinent information: None.

c) Part (Heading and Code Citation): Illinois Incentive for Access (IIA) Program; 23 Ill. Adm. Code 2736

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. A number of amendments are being proposed to this Part to reflect statutory changes contained in Public Act 93-0455, which will affect applicant eligibility and award amounts.
- B) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2004
- E) Affect on small business, municipalities or not for profit corporations:
None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500

- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Minority Teachers of Illinois (MTI) Scholarship Program; 23 Ill. Adm. Code 2763
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2004
- E) Affect on small business, municipalities or not for profit corporations:
None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

Deerfield, Illinois 60015-5209
847/948-8500

- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Illinois Future Teacher Corps (IFTC) Program; 23 Ill. Adm. Code 2764
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2004
- E) Affect on small business, municipalities or not for profit corporations:
None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

847/948-8500

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citation): Illinois Special Education Teacher Tuition Waiver (SETTW) Program; 23 Ill. Adm. Code 27651) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 2004

E) Affect on small business, municipalities or not for profit corporations:
None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Illinois Prepaid Tuition Program' 23 Ill. Adm. Code 2775

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. A number of amendments are being proposed to this Part to reflect statutory changes contained in Public Act 93-0056.

B) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 2004

E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

JANUARY 2004 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Nonscheduled Bus Inspections; 92 Ill. Adm. Code 456
- 1) Rulemaking:
- A) Description: New components will be added along with the updating of existing inspection criteria.
- B) Statutory Authority: 625 ILCS 5/12-812 and 13-109
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses that own or operate school buses, religious organization buses or buses registered as charitable vehicles..
- F) Agency contact person for information:
Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Illinois Hazardous Materials Transportation Regulations (IHMTR); 92 Ill. Adm. Code 107-180
- 1) Rulemaking:
- A) Description: These amendments will update the IHMTR for consistency with federal regulations. They will incorporate by reference the most recent edition of the Code of Federal Regulations dated October 1, 2003 and, also, any applicable federal final rules that have been published in the Federal Register since October 1, 2003.

DEPARTMENT OF TRANSPORTATION

JANUARY 2004 REGULATORY AGENDA

- B) Statutory Authority: 430 ILCS 30/4(a) and 9(a)
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses that own or operate commercial motor vehicles that transport placarded hazardous materials in Illinois.
- F) Agency contact person for information:
Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Aviation Safety; 92 Ill. Adm. Code 14
- 1) Rulemaking:
- A) Description: The Federal Aviation Administration (FAA) is currently modifying 14 CFR 61 to include a new classification of pilot license. This new license will be known as the "Sport Pilot". If this federal action is completed in the near future, the Department will revise Part 14 to reflect this FAA change.
- B) Statutory Authority: 620 ILCS 5
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Unknown at this time
- E) Effect on small businesses, small municipalities or not for profit corporations: The Department does not anticipate that the revision will impact small businesses.

DEPARTMENT OF TRANSPORTATION

JANUARY 2004 REGULATORY AGENDA

- F) Agency contact person for information:
Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Relocation Assistance and Payments Program; 92 Ill. Adm. Code 518
- 1) Rulemaking:
- A) Description: The Department will update the Part to be consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and with the Department's procedures for the Division of Highways' relocation assistance and payments program and appeals process.
- B) Statutory Authority: 605 ILCS 5/3-107.1 through 3-107.1f and 4-511
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: Small business relocations will be impacted by the revisions to this Part.
- F) Agency contact person for information:
Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215

DEPARTMENT OF TRANSPORTATION

JANUARY 2004 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Policy on Permits for Access Driveways to State Highways; 92 Ill. Adm. Code 550
- 1) Rulemaking:
- A) Description: This Part will be revised to bring it into conformance with current highway design standards.
- B) Statutory Authority: 605 ILCS 5/4-210, 4-211 and 4-212 and 762 ILCS 205
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: The revisions will impact those small businesses, small municipalities and not for profit corporations that request access to the state highway system.
- F) Agency contact person for information:
Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215
- G) Related rulemakings and other pertinent information: None

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED 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 issued a fine of \$500 against The Mortgage House, Inc., License No. 4115 of Deerfield, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 22, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED 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 issued a fine of \$500 against P & I Financial Group, Inc., License No. 6673 of Northbrook, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 22, 2003.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

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

Pursuant to the findings in In re: Martinsville Roofing Company, Inc., IDOL File No. 2004-PW-TD08-0555, the Director of the Department of Labor gives notice that [Martinsville Roofing Company, Inc.], its member(s), officer(s), manager(s), agent(s), and all persons acting in Martinsville Roofing Company, Inc.'s interest and/or on Martinsville Roofing Company, Inc.'s behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Martinsville Roofing Company, Inc., its member(s), officer(s), manager(s), agent(s), and all other persons acting in Martinsville Roofing Company, Inc.'s interest and/or on Martinsville Roofing Company, Inc.'s behalf have an interest, pecuniary or otherwise, is(are) prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing January 1, 2004 and continuing through February 1, 2004.

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

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

PROCLAMATIONS

**2004-1
Night of 100 Stars**

WHEREAS, the DuSable Museum of African American History, the oldest independent institution of its kind in the country, is dedicated to the collection, preservation, interpretation and dissemination of the history and culture of Americans of African descent; and

WHEREAS, in 1992, the DuSable Museum culminated the celebration of its 30th Anniversary by instituting the African American HistoryMakers Awards©; and

WHEREAS, the HistoryMaker Awards© salute African American Chicagoans who have made outstanding contributions to society through their professions and civic responsibilities. Honorees are inducted into the DuSable Museum's "Chicago African American HistoryMakers© Gallery of Greats"; and

WHEREAS, this year's HistoryMakers© include Paul Freeman, the founding music director of the Chicago Stinfonietta; R. Eugene Pinchman, Esq., a retired Justice of the Appellate Court of Illinois; Herb Kent, an on-air personality from WVAZ radio; Barbara Sizemore, Ph.D., the Dean of the DePaul University's School of Education; Jim Tilmon, a retired American Airlines pilot and Meteorologist from CBS 2-Chicago; and Margaret Smith, a retired Illinois State Senator; and

WHEREAS, the 2004 Chicago African American HistoryMakers© will be honored on February 21, 2004, during the "Night of 100 Stars – Chicago African American HistoryMakers Awards©" gala:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 21, 2004 as the NIGHT OF 100 STARS in Illinois.

Issued by the Governor January 6, 2004.

Filed by the Secretary of State January 7, 2004.

**2004-2
National Foreign Language Week**

WHEREAS, foreign language study is an important component to any education, as it allows students to broaden their horizons by learning to more effectively communicate on an international stage. In addition, it teaches students to respect and understand other cultures, while providing a solid foundation with which to continuously further their own educational aspirations; and

WHEREAS, Alpha Mu Gamma, the national collegiate foreign language honor society, was founded in 1931 in order to honor achievement in all languages at an early stage in a student's career. Today, there are over 300 chapters at public and private universities and colleges across the country; and

WHEREAS, since the spring of 1957, Alpha Mu Gamma has taken the lead in organizing National Foreign Language Week to make students and educators across the country aware of the importance of foreign language study; and

PROCLAMATIONS

WHEREAS, in Illinois, the Illinois Council on the Teaching of Foreign Languages (ICTFL) has been instrumental in ensuring the success of National Foreign Language Week. Since being established as a not-for-profit association in 1987, the ICTFL has become the largest statewide foreign language teachers' organization in Illinois. Currently, the ICTFL serves over 1800 members, who instruct students from the elementary to the collegiate levels; and

WHEREAS, the theme of National Foreign Language Week 2004 is "Spring Brings Hope, So Does Understanding . . . Through Foreign Languages":

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 1- 7, 2004 as NATIONAL FOREIGN LANGUAGE WEEK in Illinois, and encourage all citizens to recognize and appreciate the value that foreign language study brings to our schools and our society.

Issued by the Governor January 6, 2004.

Filed by the Secretary of State January 7, 2004.

2004-3**Week of the Classroom Teacher**

WHEREAS, the Association for Childhood Education International (ACEI) works in conjunction with teachers throughout our nation to actively promote the inherent rights, education and well-being of all children; and

WHEREAS, as a crucial part of children's educational experiences, teachers are committed to working with parents and administrators every day to provide the best learning environment for their students; and

WHEREAS, teachers use their skills to help ensure that our children have the resources necessary to become productive citizens and future leaders; and

WHEREAS, ACEI's "Week of the Classroom Teacher" is celebrated throughout the world. In Illinois, it will provide a unique opportunity for citizens to honor our teachers for their dedication to upholding the highest standards of educational excellence and for their commitment to ensuring that our young people achieve their maximum potential:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 – 8, 2004 as WEEK OF THE CLASSROOM TEACHER in Illinois, and encourage all citizens to recognize and appreciate the tremendous job our teachers do in preparing our students for their future.

Issued by the Governor January 6, 2004.

Filed by the Secretary of State January 7, 2004.

2004-4**Volunteer Blood Donor Month**

WHEREAS, approximately four million patients across the country receive blood transfusions each year. In order to meet that demand, roughly eight million people donate blood every year; and

PROCLAMATIONS

WHEREAS, there is still a great need for blood donors throughout this country. Accident victims, people undergoing surgery, and patients receiving treatment for leukemia, cancer or other diseases all utilize blood; and

WHEREAS, donating blood is a selfless and fulfilling act that saves countless lives every year. The process of donating blood is completely safe; and

WHEREAS, since January is traditionally a time when it is difficult to recruit blood donors, it is recognized as Volunteer Blood Donor Month in hopes that more people will be willing to donate blood; and

WHEREAS, the theme for the month is "Give Blood . . . The Gift of Life":

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2004 as VOLUNTEER BLOOD DONOR MONTH in Illinois, and encourage all citizens to consider donating their blood.

Issued by the Governor January 6, 2004.

Filed by the Secretary of State January 7, 2004.

2004-5**Peace Corps Week**

WHEREAS, the Peace Corps has become an enduring symbol of our nation's commitment to encouraging progress, creating opportunity and expanding development at the grass-roots level in the developing world; and

WHEREAS, since 1961, more than 170,000 Americans have volunteered in 137 different countries with the Peace Corps. Over 6,500 of the volunteers have come from Illinois; and

WHEREAS, Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS outreach and the environment, and have improved the lives of individuals and communities around the world; and

WHEREAS, Peace Corps volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and

WHEREAS, Peace Corps volunteers, enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to our nation; and

WHEREAS, it is indeed fitting to recognize the achievements of the Peace Corps and honor its volunteers, past and present, and reaffirm our country's commitment to empowering people to help themselves throughout the world:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 1 – 7, 2004 as PEACE CORPS WEEK in Illinois, and encourage all citizens to recognize and appreciate the impact that these volunteers have made across the world.

Issued by the Governor January 6, 2004.

Filed by the Secretary of State January 7, 2004.

ILLINOIS ADMINISTRATIVE CODE

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