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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
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32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
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41	September 30, 2013	October 11, 2013
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47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1st through **Monday, July 1st, 2013.**

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Service-Disabled and Veteran-Owned Small Businesses
- 2) Code Citation: 44 Ill. Adm. Code 20
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
20.10	New Section
20.20	New Section
20.100	New Section
20.110	New Section
20.120	New Section
20.130	New Section
20.140	New Section
20.150	New Section
20.200	New Section
20.300	New Section
20.400	New Section
20.410	New Section
20.500	New Section
20.510	New Section
20.520	New Section
20.530	New Section
20.540	New Section
20.550	New Section
20.560	New Section
20.570	New Section
20.580	New Section
20.590	New Section
20.600	New Section
20.610	New Section
20.620	New Section
20.700	New Section
20.800	New Section
20.810	New Section
20.900	New Section
- 4) Statutory Authority: Implementing and authorized by Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57]

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- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking addresses how the Department will administer the veterans' procurement preference established in the Procurement Code [30 ILCS 500/45-57]. The veterans' preference establishes a 3% State contracting goal for veteran-owned and service-disabled veteran-owned businesses [30 ILCS 500/45-57(a)].

This proposed rulemaking outlines the processes for establishing goals and monitoring agency compliance with the preference. In addition, the proposed rulemaking outlines a certification process for veteran-owned and service-disabled veteran-owned businesses and implements solicitation and contract requirements to ensure prospective vendors demonstrate good faith efforts to utilize these businesses.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules neither create nor expand any State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Mary Matheny
Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

Phone: 217/557-5404
Fax: 217/558-2697
mary.matheny@illinois.gov

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Service-disabled veteran-owned and veteran-owned small businesses
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS,
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER V: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 20

SERVICE-DISABLED AND VETERAN-OWNED SMALL BUSINESSES

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- 20.10 Introduction
- 20.20 Definitions

SUBPART B: GOAL AND GOAL MEASUREMENT

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- 20.100 Goal
- 20.110 Contracts and Expenditures Subject to the Goal
- 20.120 Categories of Contracts and Expenditures Exempt from the Goal
- 20.130 Review of Agency Requests for Specific Exemptions
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20.810	Good Faith Efforts and Waiver Request Procedures

SUBPART J: VIOLATIONS BY VENDOR

Section	
20.900	Violations by Vendor

AUTHORITY: Implementing and authorized by Section 45-57 of the Illinois Procurement Code

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[30 ILCS 500/45-57]

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 20.10 Introduction

It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans and that qualified service-disabled veteran-owned small businesses and veteran-owned small businesses participate in the State's procurement process as both prime contractors and subcontractors.

Section 20.20 Definitions

"Armed Forces of the United States" means *the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 USC 101. Service in the Merchant Marine that constitutes active duty under section 401 of PL 95-202 shall also be considered service in the armed forces for purposes of this Section.* [30 ILCS 500/45-57(e)]

"Certification" means *a determination made by the Illinois Department of Veterans' Affairs and the Department of Central Management Services that a business entity is a qualified service-disabled veteran-owned small business or a qualified veteran-owned small business for whatever purpose. A SDVOSB or VOSB owned and controlled by females, minorities, or persons with disabilities, as those terms are defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, shall select and designate whether that business is to be certified as a "female-owned business", "minority-owned business" or "business owned by a person with a disability", as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/2], or as a qualified SDVOSB or qualified VOSB.* [30 ILCS 500/45-57(e)]

"CMS" refers to the Department of Central Management Services.

"Committee" means a group made up of 5 individuals appointed by the Director of CMS and the Director of the Department of Veterans' Affairs (DVA) for the purpose of overseeing the certification process for qualified service-disabled

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veteran-owned small businesses and qualified veteran-owned small businesses. The Director of CMS will appoint 2 persons and the Director of DVA will appoint 3 persons. The appointees will serve for 2 years. The committee shall select a chair person who shall serve until his or her term expires.

"Control" means *the exclusive, ultimate, majority, or sole control of the business, including but not limited to capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operation responsibilities, cost-control matters, income and dividend matters, financial transactions, and rights of other shareholders or joint partners. Control shall be real, substantial, and continuing, not pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management, and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business, and control shall not include simple majority or absentee ownership.* [30 ILCS 500/45-57(e)]

"Eligible Group Member" means a person who meets the eligibility requirements set forth in Section 20.300.

"General Discharge (Under Honorable Conditions)" means a confirmation of an administrative separation of a service member from military service whose service has been honest and faithful and appropriate to characterize that service under honorable conditions. A general discharge (under honorable conditions) meets the qualification standard under the SDVOSB and VOSB Program. (See DoD Dir. 1332.14.E3.A2.1.3.2 and E4.3.b(2)(b).)

"Illinois Procurement Code" or "Code" means 30 ILCS 500.

"Qualified Service-Disabled Veteran" means *a veteran who has been found to have 10% or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense* [30 ILCS 500/45-57(e)].

"Qualified Service-Disabled Veteran-Owned Small Business" or "SDVOSB" means *a small business that is at least 51% owned by one or more qualified service-disabled veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified service-disabled*

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veterans living in Illinois; that has its home office in Illinois; and for which these ownership requirements are factually verified annually by CMS. [30 ILCS 500/45-57(e)]

"Qualified Veteran-Owned Small Business" or "VOSB" means a small business that is at least 51% owned by one or more qualified veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified veterans living in Illinois; that has its home office in Illinois; and for which these ownership requirements are factually verified annually by CMS. [30 ILCS 500/45-57(e)]

"Service-Connected Disability" means a disability incurred in the line of duty in the active military, naval, or air service as described in 38 USC 101(16). [30 ILCS 500/45-57(e)]

"Small Business" means a business that has annual gross sales of less than \$75,000,000 as evidenced by the federal income tax return of the business. A firm with gross sales in excess of this cap may apply to CMS for certification for a particular contract if the firm can demonstrate that the contract would have significant impact on the SDVOSB or VOSB as suppliers or subcontractors or in employment of veterans or service-disabled veterans. [30 ILCS 500/45-57(e)]

"State Agency" means all departments, officers, boards, commissions, institutions and bodies politic and corporate of the State, but does not include the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, municipalities or other local governmental units, or other State constitutional officers. [30 ILCS 575/2(6)]

"Time of Hostilities with a Foreign Country" means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to

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Presidential executive order. [30 ILCS 500/45-57(e)]

"Veteran" means *a person who has been a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and has served under one or more of the following conditions:*

the veteran served a total of at least 6 months;

the veteran served for the duration of hostilities regardless of the length of the engagement;

the veteran was discharged on the basis of hardship; or

the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions. [30 ILCS 500/45-57(e)]

"Veterans Small Business Program" or "Program" means the State's program that:

fosters economic opportunities for Illinois' military veterans by encouraging the establishment of SDVOSBs and VOSBs; and

establishes an annual, ongoing, percentage goal for all State agencies' award of supplies and services contracts and construction-related State spending that shall be set aside for competitive bidding by Illinois SDVOSBs and VOSBs.

SUBPART B: GOAL AND GOAL MEASUREMENT

Section 20.100 Goal

In accordance with Section 45-57(a) of the Code, not less than 3% of the total dollar amount of State contracts, as defined by the Director of CMS, shall be the goal for awarding contracts to SDVOSBs and VOSBs.

Section 20.110 Contracts and Expenditures Subject to the Goal

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All contracts funded in whole or in part with funds appropriated by the General Assembly are subject to the goal unless exempted elsewhere in this Part.

Section 20.120 Categories of Contracts and Expenditures Exempt from the Goal

- a) Contracts shall be exempt from the goal if:
 - 1) The contract is subject to federal reimbursement; or
 - 2) Receipt of funds for a contract would be jeopardized by including them in the Program.

- b) CMS has determined that the following categories of contracts and expenditures, including but not limited to the detailed expenditure accounts listed below each category, are exempt from the goal. This determination was made based on the best information available that these categories do not represent procurement opportunities for SDVOSBs or VOSBs, or that there are not sufficient SDVOSBs or VOSBs to ensure competition and an expectation of reasonable prices. The detailed expenditure accounts have the same meaning as used by the State Comptroller (see the Statewide Accounting Management System (SAMS) manual, available from CMS).
 - 1) Contracts between, or within, State agencies that do not include payments to private vendors:
 - A) University Central Data Processing Services;
 - B) University Central Plant Services;
 - C) University Central Supply Services;
 - D) University Central Telecommunication Services; and
 - E) University Central Transportation Services.
 - 2) Contracts with or payments to other governmental entities:
 - A) Payments to Local Governments for Employees;

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- B) Reimbursements to Governmental Units;
 - C) Postage and Postal Charges;
 - D) Operating Taxes, Licenses and Fees;
 - E) Revenue Stamps;
 - F) Taxes and Transfers;
 - G) Fire Protection Services;
 - H) Shared Waterway Agreements; and
 - I) Shared Revenue Payments.
- 3) Employee wages, salaries and other payroll and employee related costs:
- A) Payments into Pension Funds;
 - B) Pensions, Annuities and Benefits;
 - C) Purchase of Investments;
 - D) Employee Tuition Fees;
 - E) Social Security;
 - F) Retirement;
 - G) Unemployment Compensation Payments;
 - H) Legislative Staff Services;
 - I) Registration Fees and Conference Expenses;
 - J) Industrial Commission Awards or Settlement Awards for Injured Employees; and

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- K) Awards, Benefits and Treatment Expenses – Injured Employees.
- 4) Payments of money to individuals or groups in the nature of reimbursement, settlement, entitlement or assistance:
- A) Assistance Payments to Individuals;
 - B) Awards and Grants to Students;
 - C) Burial Expense Awards;
 - D) Community Services for Department of Human Services- Divisions of Mental Health and Developmental Disabilities Clients and the Chemically Dependent;
 - E) Court of Claims Awards;
 - F) Reimbursement for Living Expenses for State Wards Outside State Institutions;
 - G) Tuition, Training Supplies and Equipment for Aided Persons;
 - H) Lottery Prizes;
 - I) Interviewee Expenses; and
 - J) Tort Claims.
- 5) Debt retirement and refunds of money:
- A) Debt Retirement;
 - B) Loans; and
 - C) Refunds.
- 6) Grants:
- A) Grants for Educational Purposes – School Districts;

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- B) Grants for Educational Purposes – Higher Education;
 - C) Grants to Local Governments (other);
 - D) Grants to Non-Profit Organizations;
 - E) Grants to Other State Agencies; and
 - F) Grants to or on Behalf of Veterans and their Dependents who Qualified under Wartime Service.
- 7) Public utility contracts and payments:
- A) Electricity;
 - B) Gas (Natural Gas);
 - C) Telecommunications (regulated service only);
 - D) Water; and
 - E) Utilities (Other).
- 8) Real estate acquisition:
- A) Land, Relocation Costs;
 - B) Land, Relocation Costs (Highways);
 - C) Land, Relocation Costs (Waterways);
 - D) Land, Rights of Way and Easements;
 - E) Land, Rights of Way and Easements (Highway); and
 - F) Land, Rights of Way and Easements (Waterways).
- 9) Miscellaneous contracts and expenditures:

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- A) Association Dues; and
- B) Periodical Subscriptions.
- c) Prior to the end of each fiscal year, CMS shall investigate the categories of contracts and expenditures to determine whether, based on the best information available, these categories continue to represent procurements in which there are no opportunities for SDVOSBs or VOSBs, or that there are not sufficient SDVOSBs or VOSBs to ensure competition and an expectation of reasonable prices.

Section 20.130 Review of Agency Requests for Specific Exemptions

- a) Any State agency may request that CMS exempt specific contracts from the goal. The agency's exemption request must be submitted to CMS through a Decision Memorandum containing appropriate signatures. The Decision Memorandum must indicate, based on the best information available, that the particular contract does not represent a procurement opportunity for SDVOSBs and VOSBs, or that there are not sufficient SDVOSBs and VOSBs to ensure competition and an expectation of reasonable prices. The agency must provide a copy of any Invitation for Bids, Requests for Proposals or other solicitation information issued with the request. The documentation must also show the agency engaged in a diligent effort to identify and solicit SDVOSBs and VOSBs, and the results of that effort.
- b) CMS shall exempt specific contracts from the goal if it determines that the agency did provide reasonable proof that certified SDVOSBs and VOSBs are not available to meet the contracting need.

Section 20.140 Goal Measurement

- a) The goal shall be measured on a full fiscal year basis and shall be measured against the total dollar amount of expenditures subject to the goal. Expenditures not subject to the goal are those described in Sections 20.110 and 20.120.
- b) Contract expenditures established by an agency shall be included in the agency's or university's goal attainment statistics. Orders by a user agency against contracts established on behalf of one or more user agencies shall be counted toward goal

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attainment statistics of the user agency.

Section 20.150 Subcontracting

An agency may satisfy its goal, in whole or in part, by counting expenditures made by State vendors to certified SDVOSBs and VOSBs as subcontractors.

SUBPART C: AGENCY COMPLIANCE AND REPORTING

Section 20.200 Agency Compliance and Reporting

- a) Fiscal Year Reports: By each September 1, each Chief Procurement Officer (CPO) shall report to CMS on all of the following for the immediately preceding fiscal year, and by each March 1 CMS shall compile and report that information to the General Assembly:
 - 1) The total number of SDVOSBs and the number of VOSBs who submitted bids and/or proposals under this Part.
 - 2) The total number of SDVOSBs and the number of VOSBs who entered into contracts with the State under this Part and the total value of those contracts.
- b) Yearly Review and Recommendations: Each year, each CPO shall review the progress of all State agencies under its jurisdiction in meeting the goal described in subsection (a), with input from statewide veterans' service organizations and from the business community, including SDVOSBs and VOSBs. Each CPO shall make recommendations to be included in the CMS report to the General Assembly regarding continuation, increases or decreases of the percentage goal. The recommendations shall be based upon the number of businesses that are owned by qualified veterans and on the continued need to encourage and promote businesses owned by qualified veterans.

SUBPART D: PROGRAM ELIGIBILITY

Section 20.300 Program Eligibility

To qualify as a SDVOSB or VOSB:

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- a) The business must be owned and controlled by veterans and/or service-disabled veterans;
- b) It must be a small business that does not exceed the sales limitation established in the definition in Section 20.20;
- c) It must be an authorized business registered within the State of Illinois;
- d) Qualified veterans who are Illinois residents must hold 51% of ownership of the business; and
- e) The business home office must be in the State of Illinois.

SUBPART E: CERTIFICATION

Section 20.400 General

- a) The certification process verifies that the business is owned and controlled by eligible individuals in accordance with requirements of the Code and this Part. CMS will oversee the certification process outlined in this Section.
 - 1) CMS will certify an entity, business or firm that meets the requirements listed in this Part. All certifications, new and existing, shall be valid for a period of 5 years from the effective date of the certification, subject to annual confirmation.
 - 2) Only certified SDVOSBs and VOSBs are eligible for the benefits of the Program. Agencies may count only those expenditures with a certified business or certified business subcontractor toward meeting the goal.
 - 3) A business owned and controlled by at least 51% service-disabled veterans and veterans shall be counted as a business owned and controlled by the eligible group that has the largest percentage of ownership.
- b) These classifications facilitate consistent accounting of agency contract awards to businesses covered by the Code. Certification under the Program does not preclude those businesses from receiving any contract that may be awarded under the Code or other applicable law.

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Section 20.410 Program Information

- a) CMS shall compile a list of businesses certified under the Code and may compile and maintain other information regarding the Program, including general vendor lists.
- b) The list will contain the name, address, telephone and facsimile numbers, e-mail address, type of certification (SDVOSB or VOSB) and business classification (e.g., accounting or furniture sales) of certified businesses.
- c) The list shall be available to the Chief Procurement Officers and State Purchasing Officers defined in the Code and to other interested State agencies for use in State purchasing.
- d) The list of certified businesses shall be available to the public. This list and other information shall be provided electronically via the CMS website (<http://www2.illinois.gov/cms/business/sell2/pages/veteranownedbusiness.aspx>).

SUBPART F: CERTIFICATION REQUIREMENTS AND PROCEDURES

Section 20.500 Application

The business seeking certification must complete an application package. CMS personnel may conduct a personal interview with the applicant that may include a telephone interview and/or an on-site visit. Additional on-site visits may be conducted at any time during the life of a certification to verify continued eligibility for the Program.

Section 20.510 Application Requirements

The applicant for initial certification, or recertification, must meet all of the requirements set forth in the Code and this Part. Should the applicant fail to meet any of the certification requirements, or refuse to supply information requested by CMS, the applicant will be denied certification or recertification. These requirements include, but are not limited to, the veteran's certification application; DD-214 (Report of Separation) which will confirm veteran's characterization of service and discharge status; and the U.S. Department of Veterans Affairs Rating Decision Letter which will confirm the veteran's service and non-service connected disability compensation rating.

Section 20.520 Eligibility Determination

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CMS shall contact all applicants seeking certification, via U.S. Mail or electronic correspondence, within 60 days after receipt of the application and all supporting documents. CMS shall grant certification, deny certification, or request additional or clarifying information necessary to make the certification decision.

Section 20.530 Certification by Other Certifying Entities

- a) CMS may accept a certification by another entity, such as a local government or a federal program for veteran small business owners. That entity must have certification requirements and procedures equaling or exceeding those required by the Code and under Subpart D of this Part (Program Eligibility).
- b) CMS shall investigate requirements and procedures of other certifying entities and shall maintain a list of those certifying entities whose certifications can be accepted.
 - 1) The other entities must agree to notify CMS should their requirements or procedures change in any material way. CMS may periodically meet with the other certifying entities to ensure compliance.
 - 2) If the other entities' requirements or procedures no longer equal or exceed the requirements and procedures of CMS, CMS will no longer accept those certifications.
 - 3) The other entities must agree to report any denial of certification or recertification to CMS, along with detailed reasons for the action.

Section 20.540 Sales Limitation; Exception

- a) Annual gross sales must be less than \$75 million. In determining the annual gross sales, sales of any affiliated business shall also be counted.
- b) An affiliated business is one related to the other by virtue of significant commonality of management or commonality of ownership (at least 5% of one company owned by owner or management personnel of the other). Other factors that may be considered in determining affiliation include, but are not limited to, sharing of office space, workers or equipment.

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Section 20.550 State Residency

- a) The veterans claiming 51% ownership and control of the applicant business must be living in the State of Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified veterans living in the State of Illinois. Proof of residency may include Illinois driver's license or ID card, Illinois tax documents, or W-2s.
- b) Qualifying SDVOSBs or VOSBs must provide proof that they have a home office in the State of Illinois.

Section 20.560 Ownership/Control by Members of Eligible Groups

- a) Individuals claiming ownership and control of the applicant business must be members of the eligible groups identified in Section 20.300.
- b) The applicant must provide proof of eligible veteran group status. Proof must be in the form of official documentation, i.e., the DD-214 (Report of Separation) and the U.S. Department of Veterans Affairs Rating Decision Letter.

Section 20.570 Ownership

- a) The individuals claiming ownership and control of the applicant business must own at least 51% of the business.
- b) The ownership shall be real, substantial and continuing and not simply a matter of form. "Real" is a bona fide investment in the business done at arm's length and in good faith. "Substantial" is the level of investment necessary to initiate or acquire the particular business in light of its value, the business field, the organization of the concern, and the potential sources of outside financing. The following factors, among others, are weighed together to help determine whether ownership is real, substantial, continuing and not a matter of form.
 - 1) How ownership was obtained, including, but not limited to, purchase, gift or inheritance.
 - 2) How substantial was the contribution toward ownership in terms of expertise, money or other such factors? The following are some examples of factors that may indicate insufficient contribution:

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- A) Minimal cash outlay or personal investment;
 - B) A promise or agreement to contribute capital;
 - C) A note payable to the firm or other owners who are not eligible group members;
 - D) Contributions for services rather than capital, except when services are unique, specialized or of a value commensurate with the ownership value of the services;
 - E) Payment of contribution with funds loaned by a non-eligible group, former employer or stockholder;
 - F) No recourse loans when the borrower assumes no liability for repayment upon default; and
 - G) No recourse stock purchases in which the purchaser assumes no liability upon default of payment other than transaction of shares.
- 3) How the applicant holds ownership. In terms of stock holdings, the following are factors that may indicate ownership is not as stated:
- A) Minimal cash outlay or personal investment;
 - B) A promise or agreement to buy stock;
 - C) Stock issued, but not purchased;
 - D) Stock certificates purchased but not in the possession of the applicant; or
 - E) Stock held in trust.
- 4) The applicant must provide documentary proof of ownership, including, but not limited to, the following:
- A) Canceled checks or bookkeeping entries;

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- B) Signed purchase agreements;
- C) Stock certificates, transfer ledgers and stockholder agreements;
- D) Partnership agreements;
- E) Profit sharing agreements; and
- F) Buy-out-right agreements.

Section 20.580 Control

- a) Ownership by eligible group members does not equate to control.
- b) The individuals claiming ownership and control of the applicant business must actually control the applicant business. Those individuals must be in direct control of the day to day operations and must have, and exercise, the power to make major decisions on management, policy, fiscal and operational matters. At a minimum, the following factors will be considered in determining control:
 - 1) Do the articles of incorporation show the eligible group owners were involved at the time of incorporation and in what way? If the eligible group owners were not involved at the time of incorporation, when did they become involved?
 - 2) Corporate by-laws will be reviewed to determine:
 - A) The duties of the directors and officers who occupy these positions;
 - B) The voting rights of the shareholders; and
 - C) Any restrictive language that may affect the eligible group owner's stock voting rights.
 - 3) Are there any stock options/shareholders agreements that, if exercised, will dilute or eliminate eligible group owner control?

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- 4) Do the eligible group owners make decisions independently?
- 5) Does a review of resumes show the eligible group owners have sufficient background, including education and training, to run the particular business and for the responsibilities assigned?
- 6) Do the eligible group owners continue to work for a firm not eligible to be certified SDVOSBs or VOSBs and, if so, what is the relationship of the firm to the applicant business?
- 7) Who in the firm negotiates contracts and loans, prepares estimates and makes other management and supervisory decisions?

Section 20.590 Notice of Certification or Denial

- a) Notification of Certification
When CMS has determined that the applicant meets the requirements of this Part, CMS will notify the applicant in writing that it has been certified.
- b) Notification of Denial of Certification
When CMS determines that the applicant does not meet the requirements of this Part, CMS will send a letter to the applicant setting forth the rationale for the determination and advising the applicant of the appeal review process.
- c) Effect of Denial
After all reconsiderations and reviews provided in this Part have been exhausted, if the decision remains to deny certification, the vendor will not be included in the list of certified vendors.
- d) Reapplication
If a certification application is denied, the business may reapply one year after the date of denial. Applications submitted prior to that date will not be considered.

SUBPART G: RECONSIDERATION, DECERTIFICATION AND RECERTIFICATION

Section 20.600 Review and Reconsideration

- a) The applicant may request that CMS reconsider a certification denial. CMS shall inform the applicant of the reconsideration decision within 60 days after receipt of

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the request for reconsideration.

- b) The applicant may request a review of an unfavorable reconsideration decision of CMS. The applicant must submit this request in writing to CMS postmarked no later than 30 days after the applicant received the decision. The request must state why the applicant believes the decision is wrong, must address all points raised in the decision and must include any supportive documentation. Upon receipt of this request, CMS shall refer all documentation to the committee for review.
- c) The Committee (see Section 20.20) shall consider any requested appeal reviews from CMS. CMS will attempt to schedule a Committee meeting within 30 days after receipt of the request for review. The meeting may be held in Chicago or Springfield and CMS will notify the applicant at least 10 days prior to the meeting of the location, date and time.
- d) CMS shall provide each Committee member with a copy of the request for review, other relevant information and a response to the points raised in the request for review. Each Committee member shall review the files prior to the meeting.
- e) The Committee Chair shall call the meeting to order, announce the matter at issue and explain the meeting procedures. The Chair shall briefly restate the reasons given for the decision for denial and open the floor to the applicant. The meeting shall proceed in an informal manner within these procedures. All information obtained shall be considered.
- f) The applicant may make an opening statement, but must respond to each of the reasons for denial given in the decision. The applicant may bring and question any witnesses. The Committee may ask questions of the applicant, CMS or any other person present. CMS may comment at any time. When the applicant is finished, CMS may call witnesses. Both the applicant and CMS may make closing statements. Although the applicant may have an attorney or other representatives assisting at the meeting, the applicant must be present and respond to questions of the Committee.
- g) The Committee shall consider the information obtained at the meeting. The Committee's decision will be based upon majority vote to be given at a Committee meeting or submitted individually to CMS, who shall record and report the vote.

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- h) If the decision is favorable to the applicant, CMS will reverse its denial decision, notify the applicant, and place the applicant on the list of certified vendors. If the decision is adverse to the applicant, CMS will notify the applicant accordingly, providing the Committee's reasons for supporting CMS' original denial decision.

Section 20.610 Decertification Process

- a) The State, or a third-party, may challenge the certification status of a SDVOSB or VOSB at any time.
- b) Upon receipt of information that questions the validity of a certification, CMS shall conduct an investigation. This may include on-site or telephone interviews, review of existing records, or collection and examination of new records to supplement, explain or clarify records previously submitted.
- c) If the investigation results in a finding that the firm is no longer eligible for SDVOSB or VOSB status, CMS shall notify the firm that it is decertified. The applicant may appeal using the review and reconsideration procedure of this Subpart G. After decertification, the applicant may not reapply for certification until one year has passed since the date of decertification. A certification of the applicant by another entity shall not be accepted during the one year period following decertification.

Section 20.620 Annual Confirmation of Eligibility

- a) To maintain its certification, a certified business must file a No Change Affidavit with CMS on an annual basis, confirming there have been no changes in ownership or control from the last certification that would affect the eligibility of the certification and shall provide any additional information requested by CMS. The No Change Affidavit shall be in the form specified by CMS and shall include, but not be limited to, owner demographics, annual gross sales, current licensing, ownership interest, certification documentation with other entities, and a signed and notarized affidavit.
- b) At least 60 days prior to the anniversary of a certification, CMS shall send a notice to the certified business advising that it must complete and return the No Change Affidavit, postmarked by the date specified in the notice.

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- c) If the certified business fails to submit the No Change Affidavit, CMS shall issue a provisional revocation of the certification and so notify the business. If the No Change Affidavit is not received within 30 days after the mailing of the provisional revocation to the certified business, the revocation shall become final and the business shall be decertified.
- d) If the certified business submits a No Change Affidavit that indicates that ownership or control has changed so that the certified business is, or may be, no longer eligible for certification, CMS may request further information or may issue a final decertification.
- e) Upon receipt of the notice of final decertification, the decertified business must submit a new and complete application for certification.
- f) In addition to the annual confirmation, CMS may require confirmation of eligibility at any time during the term of certification.

SUBPART H: SPECIAL ASSISTANCE FOR CERTIFIED BUSINESSES

Section 20.700 Special Assistance

- a) Purchasing agencies may waive or reduce bond requirements for certified vendors when allowed by law and when the reduced bond amount would adequately protect the State's interests.
- b) Purchasing agencies may enter into contracts with certified vendors that contain a provision allowing advance or progress payments or both, except that a construction contract may not contain an advance payment provision. The advance or progress payment provision may be added to a contract at any time by agreement of the parties. Agencies must consider the application of Section 9.05 of the State Finance Act [30 ILCS 105/9.05] before including the provisions in contracts.

SUBPART I: SOLICITATION/CONTRACT REQUIREMENTS

Section 20.800 Change in Eligibility

- a) Any contract awarded to a SDVOSB or VOSB may not be assigned to another vendor without approval of the CPO, in consultation with CMS.

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- b) Should a vendor who received a contract with the advance or progress payment provisions cease to qualify as a SDVOSB or VOSB during contract performance, the purchasing agency may cancel the contract immediately without penalty to a State agency. Any change in the eligibility status of a vendor awarded a contract with advance or progress payment provisions shall be reported to the Program and the purchasing agency.

Section 20.810 Good Faith Efforts and Waiver Request Procedures

- a) If the vendor cannot meet the stated goal in a solicitation, the vendor must document in the Utilization Plan provided with bid solicitations its good faith efforts that could reasonably have been expected to meet the goal. Vendors must submit utilization forms that meet or exceed the published goal or submit utilization forms that describe a percentage participation that is less than the goal and submit documentation regarding good faith efforts at the time of bid or offer submission. Any vendor claiming good faith relief must fully document, in writing, the steps taken to obtain SDVOSBs or VOSBs as subcontractors. CMS will consider the quality, quantity and intensity of the vendor's efforts.
- b) The following is a list of types of actions that CMS may consider as evidence of the vendor's good faith efforts to meet the goal. Other factors or efforts brought to the attention of CMS may be relevant in appropriate cases.
 - 1) Soliciting through all reasonable and available means (e.g., attendance at a vendor conference, advertising and/or written notices) the interest of certified SDVOSBs or VOSBs that have the capability to perform the work of the contract. The Vendor must solicit this interest within sufficient time to allow certified SDVOSBs or VOSBs to respond to the solicitation. The vendor must determine with certainty if the certified SDVOSBs or VOSBs are interested by taking appropriate steps to follow up initial solicitations and encourage them to submit a bid or proposal. The vendor must provide interested certified SDVOSBs or VOSBs with adequate information about the plans, specifications and requirements of the contract in a timely manner to assist them in responding promptly to the solicitation.
 - 2) Selecting portions of the work to be performed by certified SDVOSBs or VOSBs in order to increase the likelihood that the goal will be achieved.

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This includes, when appropriate, breaking out contract work items into economically feasible units to facilitate certified SDVOSBs or VOSBs participation, even when the vendor might otherwise prefer to perform these work items with its own forces.

- 3) Making a portion of the work available to certified SDVOSBs or VOSBs and selecting those portions of the work or material needs consistent with their availability, so as to facilitate certified SDVOSBs or VOSBs participation. Availability may include considerations of how the location of the SDVOSBs or VOSBs would affect the performance or cost of the contract.
- 4) Negotiating in good faith with interested certified SDVOSBs or VOSBs. Evidence of such negotiation must include the names, addresses and telephone numbers of certified SDVOSBs or VOSBs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting, and evidence as to why additional agreements could not be reached for certified SDVOSBs or VOSBs to perform the work. A vendor using good business judgment may consider a number of factors in negotiating with certified SDVOSBs or VOSBs and may take a firm's price and capabilities into consideration. The fact that there may be some additional costs involved in finding and using certified SDVOSBs or VOSBs may not be in itself sufficient reason for a vendor's failure to meet the goal, as long as such costs are reasonable. Vendors are not required to accept higher quotes from certified SDVOSBs or VOSBs if the price difference is excessive or unreasonable.
- 5) Thoroughly investigating the capabilities of certified SDVOSBs or VOSBs and not rejecting them as unqualified without documented reasons.
- 6) Making efforts to assist interested certified SDVOSBs or VOSBs in obtaining lines of credit or insurance as required by the State.
- 7) Making efforts to assist interested certified SDVOSBs or VOSBs in obtaining necessary equipment, supplies, materials, or related assistance or services.

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- 8) Effectively using the services of available veteran community organizations; veteran vendors' groups; local, State and federal veteran business assistance offices; and other organizations that provide assistance in the recruitment and placement of certified SDVOSBs or VOSBs.
 - 9) Utilize the Sell2Illinois website (www.Sell2.illinois.gov) to identify certified SDVOSBs or VOSBs.
- c) The good faith effort submissions will be evaluated by CMS. If CMS determines that a vendor demonstrated good faith efforts towards meeting the utilization goal on a bid or offer, a waiver will be issued. If CMS determines that a vendor did not demonstrate good faith efforts towards meeting the utilization goal on a bid or offer, the bid or offer may be deemed non-responsible by the CPO.
 - d) A vendor who obtains a State contract requiring the utilization of SDVOSBs or VOSBs, or who makes a voluntary contractual commitment to hire SDVOSBs or VOSBs, and who fails to do so is subject to having the contract canceled. If the agency cancels the contract, the vendor may be liable for any damages the State suffers as a result of the cancellation. A vendor may not make changes to its certified SDVOSB or VOSB commitments or substitute certified SDVOSBs or VOSBs without the prior written approval of the State.

SUBPART J: VIOLATIONS BY VENDOR

Section 20.900 Violations by Vendor

Should a vendor violate the Code, this Part, or the terms of contracts let pursuant to this Program, the State may pursue any or all of the following actions:

- a) A certified vendor may be decertified and an applicant for certification may be denied certification for reasons including, but not limited to:
 - 1) Refusal to supply information sufficient for the Program or the Committee to make a determination for eligibility or continued eligibility;
 - 2) Refusal to supply additional proof of eligibility for the Program, particularly after receiving a contract with the advance or progress payment (Special Assistance) provisions;

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- 3) Accepting a contract with the advance or progress payment (Special Assistance) provisions when the vendor does not qualify for the Program; or
 - 4) Any other violation of the Code or this Part.
- b) The State may cancel, without penalty to the State, any contract entered into by a vendor in violation of:
- 1) The Code or this Part;
 - 2) The requirements of a contract let with the advance or progress payment (Special Assistance) provisions; or
 - 3) Commitments regarding use of certified vendors, including, but not limited to, those in Section 20.540 (Sales Limitation; Exception) and Section 20.810 (Good Faith Efforts and Waiver Request Procedures).
- c) In the case of a cancellation, the amount of profit applicable to amounts paid to the vendor shall be withheld from any amounts owed to the vendor. If the amount owed the vendor is insufficient to off-set profits, the vendor shall be liable to pay back to the State any balance of those profits. The profit rate shall be deemed 20% unless a lesser or greater amount can be conclusively proven.
- d) Suspension of Vendor
- 1) The Program may suspend a vendor for a period of not less than 3 years and a contracting agency may cancel a contract for a violation of:
 - A) The Code or this Part;
 - B) The requirements of a contract let with the advance or progress payment (Special Assistance) provisions; or
 - C) Commitments regarding use of certified vendors, including, but not limited to, those in Section 20.540 (Sales Limitation; Exception) and Section 20.810 (Good Faith Efforts and Waiver Request Procedures).

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- 2) Except for any person who commits a violation of Section 17-10.3 (Deception of a Public Agency) or 33E-6(d) (Interference with a Public Agency) of the Illinois Criminal Code of 2012 [720 ILCS 5], will be suspended for a period of not less than 3 years.
- e) Depending on the seriousness of the violation, the suspension shall be:
 - 1) From participation in the Program; or
 - 2) From further contracting with the State.
- f) A vendor may appeal any of the actions of the Committee taken pursuant to this Section in the same manner as a vendor denied certification (see Subpart G of this Part).
- g) CMS shall notify the Chief Procurement Officers, State Purchasing Officers and other interested parties of SDVOSBs or VOSBs whose certification has been either suspended or revoked within 3 business days.
- h) If any agency finds or suspects that a business is in violation of the Code or this Part, the violation should be reported to CMS immediately upon that finding.
- i) Each State agency shall report to CMS any violations of Section 17-10.3 or 33E-6(d) of the Criminal Code of 2012. CMS shall monitor the status of reported violations of these statutes and subsequently report all such allegations to the Attorney General, who shall further determine whether to bring civil action against any person for the violation.
- j) CMS shall monitor the status of all reported violations of Section 17-10.3 or 33E-6(d) of the Criminal Code of 2012.
- k) If a person is suspended for violations of Section 17-10.3 or 33E-6(d) of the Criminal Code of 2012, a State agency shall not enter into any contract with that person or with any contractor using the services of that person as a subcontractor for the entire suspension period.
- l) If a person is suspended for violations of Section 17-10.3 or 33E-6(d) of the Criminal Code of 2012 and is certified as a SDVOSB or VOSB, then CMS shall revoke the business' certification for a period not less than 3 years. An additional

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or subsequent violation shall extend the periods of suspension and revocation for a period not less than 5 years. The suspension and revocation shall apply to principals of the business and any subsequent business formed or financed by, or affiliated with, those principals.

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- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1455.130	Amendment
1455.316	New Section
1455.345	New Section
- 4) Statutory Authority: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
- 5) A Complete Description of the Subjects and Issues Involved: Effective July 1, 2013, the Appraisal Subcommittee (ASC), under the Federal Financial Institutions Examination Council, will formally incorporate new requirements into its state compliance review process, as required by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. ASC recently conducted a review of our State standards to determine whether we are in compliance with their standards and concluded that there are a few deficiencies to be addressed. The amendments that follow are intended to satisfy ASC's concerns with Illinois' regulatory standards and will become effective immediately, upon filing for final adoption.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes, in Section 1455.315, but USPAP has been defined in Section 1455.10 as material being incorporated by reference.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

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

Phone: 217/785-0813
Fax: 217/557-4451

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Real estate appraisal schools and businesses that use real estate appraisers will be affected, but appraisers are required by federal law to operate under the most current version of USPAP.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: Appraiser education and experience is necessary for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because IDFPR did not anticipate that our April 1, 2013 amendments would be deemed insufficient by the Appraisal Subcommittee (ASC).

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Reinstatement of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Application for Military Deferral; Expiration Date

1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Qualifying Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real

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- Estate Trainee Appraiser; Non-Resident Qualifying Education; In Lieu of Requirements; Foreign Degrees
- 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, and Associate Real Estate Trainee Appraiser; Non-Resident Continuing Education Approval

SUBPART D: EXPERIENCE REQUIREMENTS

- Section
- 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
- 1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
- 1455.190 Verification of Experience Credit
- 1455.195 Acceptable Experience Credit and Request for Reconsideration
- 1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

- Section
- 1455.205 Record Keeping Requirements
- 1455.210 Notification of Name Change
- 1455.220 Assumed Name
- 1455.230 Address Change
- 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

- Section
- 1455.250 Appraiser Responsibilities as Relating to Appraisal Management Companies
- 1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
- 1455.270 Additional Education; Reporting Requirements
- 1455.280 Administrative Warning Letter
- 1455.290 Cooperation Required with the Division
- 1455.300 Felony Convictions; Discipline of Other Professional License; Notification
- 1455.310 Unprofessional Conduct
- 1455.315 Supervisor and Trainee Requirements (Repealed)
- | [1455.316 Supervisor and Trainee Requirements](#)

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SUBPART G: ADMINISTRATIVE PROVISIONS

Section

- 1455.320 Fees
- 1455.330 Granting of Variances
- 1455.340 Duties of the Secretary
- 1455.345 IDFPR Coordinator of Real Estate Appraisal

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section

- 1455.350 Education Provider Application; Requirements
- 1455.360 Qualifying Education Course Requirements of Education Providers
- 1455.365 Practicum Course Requirements
- 1455.370 Qualifying Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser
- 1455.380 Examples of Acceptable Pre-License Education Courses (Repealed)
- 1455.390 Continuing Education Course Requirements of Education Providers
- 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student
- 1455.410 Distance Education
- 1455.420 Expiration Date and Renewal for Education Providers and Qualifying Education and Continuing Education Courses
- 1455.430 Continuing Education Reporting
- 1455.440 Transcript or Certificate of Completion
- 1455.445 Grounds for Education Provider Discipline

SUBPART I: TRANSITION PROVISIONS

Section

- 1455.450 Appraiser Applicants – Transition Provisions (Repealed)
- 1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition Provisions (Repealed)

SUBPART J: HEARINGS

Section

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- 1455.470 Applicability (Repealed)
1455.480 Administrative Law Judges (Repealed)
1455.490 Disqualification of an Administrative Law Judge (Repealed)
- 1455.APPENDIX A Caption for a Case Filed by the Division (Repealed)
1455.APPENDIX B Caption for a Case Filed by the Petitioner (Repealed)

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007; amended at 33 Ill. Reg. 7121, effective May 14, 2009; amended at 35 Ill. Reg. 1967, effective January 20, 2011; amended at 35 Ill. Reg. 19505, effective November 17, 2011; amended at 37 Ill. Reg. 2668, effective April 1, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART B: LICENSING REQUIREMENTS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

- a) Each non-resident applicant for a temporary practice permit issued pursuant to Section 5-50 of the Act shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the ASC National Registry; and
 - 3) The fee as provided by Section 1455.320.
- b) The term for a temporary practice permit shall be 6 months from the date of issuance and may be extended for a period of an additional 6 months by request in writing to the Division.
- c) Any person issued a temporary practice permit shall be limited to a specific appraisal assignment. For the purposes of this Section, the term "assignment" shall mean ~~one or more~~~~no more than 5~~ real estate appraisals and ~~no more than 5~~ written appraisal reports that are covered by ~~an appraisal~~ contract to provide an appraisal. A copy of the master agreement, as defined in Section 1455.10, must be supplied to the Division in the absence of a specific engagement.
- d) Any person issued a temporary practice permit shall be subject to the provisions of the Act and this Part, and the Division shall take regulatory responsibility for any person violating any provisions of the Act and this Part while the person is practicing in the State of Illinois.
- e) If the Division takes any disciplinary action against an appraiser practicing in the State of Illinois under a temporary practice permit, it shall notify the jurisdiction of the appraiser's place of residence.
- f) Persons issued a temporary practice permit shall affix the temporary practice permit number, issuance date, expiration date of the temporary practice permit, and permit title within the body of the report beneath the licensee's signature, on

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the certification page and wherever the signature appears.

- g) The permit title is "Illinois Temporary Practice Permit". Temporary Practice Permit assignments covered by a master agreement, as defined in Section 1455.10, or a written engagement must include, at a minimum, the date of the master agreement, the intended user, the intended use, the property type and the location of the Illinois property that is the subject of the report.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.316 Supervisor and Trainee Requirements

- a) Requirements of a Supervising Appraiser
- 1) A supervising appraiser shall provide to the Division in writing the name and address of each Associate Real Estate Trainee Appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination of the engagement.
 - 2) A supervising appraiser shall instruct and directly supervise an Associate Real Estate Trainee Appraiser for any classification of license or certificate in the entire preparation of each appraisal. A supervising appraiser shall provide direct supervision, being personally and physically present, during the first 500 hours of experience for no fewer than 25 assignments. If a State Certified General Real Estate Appraiser is supervising an Associate Real Estate Trainee Appraiser, all appraisals completed during the first 500 hours of experience shall be non-residential appraisals. The supervising appraiser shall approve and sign all final appraisal documents certifying the appraisals are in compliance with USPAP.
 - 3) A supervising appraiser shall hold an active valid license issued under the Act as a Certified General Real Estate Appraiser or a Certified Residential Real Estate Appraiser. The license held by the supervising appraiser shall be in good standing and shall not have been subject to any disciplinary action in the preceding 2 years.

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b) Requirements of an Associate Real Estate Trainee Appraiser

- 1) An Associate Real Estate Trainee Appraiser shall provide to the Division, in writing, the name and address of each supervising appraiser within 10 days after engagement, and shall notify the Division in writing immediately upon termination after the engagement.
- 2) An Associate Real Estate Trainee Appraiser shall maintain an appraisal log for each supervising appraiser and, at a minimum, include the following in the log for each appraisal:
 - A) Type of property;
 - B) Date of report;
 - C) Property description;
 - D) Description of work performed by the trainee and scope of review and supervision by the supervising appraiser;
 - E) Number of actual work hours by the trainee on the assignment; and
 - F) The signature and State license number of the supervising appraiser.

(Source: Added at 37 Ill. Reg. _____, effective _____)

SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.345 IDFPR Coordinator of Real Estate Appraisal

The Coordinator of Real Estate Appraisal appointed pursuant to Section 25-15 of the Act shall, during his or her tenure as Coordinator of Real Estate Appraisal, complete and remain current with regard to all continuing education requirements of the Act and this Part as if his or her real estate appraiser license were active. Upon termination of his or her tenure as Coordinator of Real Estate Appraisal, the license of that person shall not be restored to active status unless and until all requirements of this Part are met.

(Source: Added at 37 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Admission Procedures
- 2) Code Citation: 89 Ill. Adm. Code 755
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
755.2	New Section
755.5	Amendment
755.10	Amendment
755.15	Amendment
755.20	Amendment
755.22	Amendment
755.25	Amendment
755.27	Amendment
755.50	Amendment
755.100	Amendment
- 4) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Department of Human Services, Residential Schools. This rulemaking is a result of updating all school rules to insure that language is consistent with current terminology and program practices pertaining to admission procedures. Revisions include:
 - Adds a new Section to reference definitions for this Part.
 - Changes the term "multidisciplinary conference" to "eligibility review";
 - Codifies a vision screening requirement for ISD and ICRE-R;
 - Changes a student's eligibility for education services from age 21 to the day before the student's 22nd birthday;
 - Adds information regarding ICRE-R's transition program for students who have completed their high school requirements but still require IEP-related services; and
 - Updates language regarding the development of the IEP.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/557-1544

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:
Development of an Individualized Educational Plan for students
- C) Types of Professional skills necessary for compliance: Educators at the School for the Deaf and the School for the Visually Impaired are required to have appropriate certifications to teach students at each school.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIESPART 755
ADMISSION PROCEDURES

Section

755.2	Definitions
755.5	Determination of Capacity
755.10	Eligibility for Specialized Services
755.15	Residential Placement
755.20	Application for Admission
755.22	Wards of the Department of Children and Family Services
755.25	The Application Process
755.27	The Admissions Process
755.30	Admission of Students with Hearing Impairments
755.40	Admission of Blind, Visually Impaired or Deaf-Blind Students
755.50	Admission of Students with Severe Physical Disabilities and Health Impairments
755.60	Admissions Review Committee (Repealed)
755.70	Meetings of the Admissions Review Committee (Repealed)
755.80	Representatives to be Present (Repealed)
755.90	Outcome of Application for Admission (Repealed)
755.100	Development of the IEP
755.110	Wards of the Department of Children and Family Services (Repealed)
755.120	Components of an Application (Repealed)
755.130	Submission of Applications (Repealed)
755.140	Admissions Review Committee (Repealed)
755.150	Meetings of the Admissions Review Committee (Repealed)
755.160	Representatives to be Present (Repealed)
755.170	Outcome of Application for Admission (Repealed)
755.180	Multidisciplinary Staffing (Repealed)
755.190	Parent Participation in IEP (Repealed)
755.200	IEP (Repealed)
755.210	Diagnostic Period (Repealed)
755.220	Outcome of the Evaluation (Repealed)
755.230	Discharge (Repealed)
755.240	Case Study Evaluation to Determine Whether a Student is Inappropriately Placed (Repealed)

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- 755.250 Interim Services (Repealed)
755.260 Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others (Repealed)

AUTHORITY: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 18, 1982; codified at 6 Ill. Reg. 14370; amended at 12 Ill. Reg. 13971, effective August 19, 1988; amended at 15 Ill. Reg. 18243, effective December 10, 1991; amended at 20 Ill. Reg. 15321, effective November 14, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10146, effective August 10, 1999; amended at 37 Ill. Reg. _____, effective _____.

Section 755.2 Definitions

Definitions for this Part can be found at 89 Ill. Adm. Code 751.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 755.5 Determination of Capacity

Annually, each ~~Superintendents~~superintendent shall determine the ~~State~~School's ability to serve additional students based on the number of students currently enrolled in each division of the ~~State~~School, the availability of funds, classroom and dormitory space, programs and staffing.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 755.10 Eligibility for Specialized Services

Individuals may be eligible for specialized services offered by the ~~State~~Schools at ages younger than those specified for enrollment in each respective ~~State~~School, when it is determined ~~those~~such services are appropriate to the needs of younger children. Inquiries regarding eligibility are made directly to each ~~State~~School. These specialized services may include, but are not limited to:

- a) Preschool institutes and educational programs.
- b) Training programs for parents and/or preschoolers.

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- c) Assessment and evaluation programs.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 755.15 Residential Placement

The process of determining whether residential placement for educational purposes is necessary shall be made on an individual basis. Placement shall be based on recent diagnostic assessments and other pertinent information indicating that the applicant is so severely disabled that his or her educational needs cannot be met by the Local Education Agency (LEA) in a less restrictive environment or that the applicant needs additional opportunities for acquiring communication, social, and other basic living skills that are not available at the local level in a less restrictive environment.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 755.20 Application for Admission

- a) Application for admission can be made at any time.
- b) A pre-application visit to the ~~State~~ School by the parents and the student is required.
- c) The ~~State~~ School Superintendentsuperintendent shall furnish the local school district and the parents with admission forms required by the Department of Human Services -Division of Rehabilitation Services (DHS-DRS).
- d) DHS-DRS recommends ~~that~~ the local school district coordinate the collection, completion, and submission of all application information, including that required of the parents. In some instances (e.g., a request from the local school district), a staff person from the appropriate ~~State~~ School may assist in obtaining the required information. All applications for admission to one of the ~~State~~ Schools shall be signed by the child's parents.
- e) When an inquiry regarding the admission of a student is received from sources other than a local school district, the Superintendenta "Notification of Inquiry" (IL 488-0726) (Notification) shall send a letter regarding the inquiry to the local school district ~~be sent~~ within 10 working days ~~to the district~~. A copy of the

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~~notification~~Notification shall be sent to the ~~persons~~ person(s) originating the inquiry and the parent.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 755.22 Wards of the Department of Children and Family Services

If a student is a ward of the Illinois Department of Children and Family Services (DCFS), the Director of DCFS shall designate a staff member to act on behalf of the student with the appropriate local school district when applying for admission to the State Schools and for all other programs. DHS-DRS shall cooperate with the Illinois State Board of Education (ISBE) and DCFS in the provision of placement, supervision and foster care of children with disabilities who must leave their LEA home community in order to attend State Schools offering programs in special education.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 755.25 The Application Process

- a) Application to a State School can be made in one of the following ways:
 - 1) by the local school district; or
 - 2) in the case of the Illinois School for the Deaf (ISD) or the Illinois School for the Visually Impaired (ISVI), if a parent disagrees with the placement option of the district after the Eligibility Review (ER) Multidisciplinary Conference (MDC) and Individualized Education Plan Program (IEP) are completed, the parent may apply directly to ISD or ISVI; however, placement of school district referrals shall be given priority over placement of these applicants. ISD or ISVI shall notify in writing or by telephone the local school district within 15 days after receipt of an application from a parent. If resources (classroom and dormitory availability, staff to student ratio and commodities) are sufficient, applications by parents shall be considered for admission ~~meetings~~.
- b) The following shall be submitted to the State School at the time of application:
 - 1) Admission forms provided by the School, completed in their entirety. Application. (IL 488-2126)

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- 2) A copy of the student's most recent ~~MDC Case Study Evaluation (CSE) ER~~ and IEP developed by the local school district or a copy of the Hearing Officer's decision from an appeal pursuant to 89 Ill. Adm. Code 828.
- 3) A letter from the education official of the local school district formally referring the student for educational placement. If the provisions in subsection (a)(2)~~-above~~ apply, a letter shall not be required from the local school district; ~~however~~~~However~~, a letter from the parent formally requesting admission to the ~~State~~ School is required.
- 4) The student's medical history, including a current detailed immunization record, and family history of hearing loss, visual impairment, congenital ~~physical and health problems, and any motor, speech, or self-care~~ limitations the student may ~~have~~~~possess~~.
- 5) Appropriate medical examinations:
 - A) Either a current general physical examination or a Certificate of Child Health Examination (Illinois Department of Public Health (DPH) form 001.2) completed within one year prior to application.
 - B) Applicants to ISD must submit an otological or an audiological examination report that demonstrates a severe to profound hearing loss for which the student requires a variety of academic and related service interventions.
 - C) Applicants to the Illinios Center for Rehabilitation and Education-Roosevelt (ICRE-R) must submit a medical examination report from the University of Illinois, Division of Specialized Care for Children or medical documentation of disability from a licensed physician. All documentation must show that the applicant has a severe to profound disability for which the student requires a variety of academic and related service interventions.
 - D) Applicants to ISVI must submit an ophthalmological or optometric examination report that shows a severe to profound visual loss for which the student requires a variety of academic and related service interventions.

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E) All students six years of age or younger must submit a lead blood level screening report prior to admission as required by ~~DPH the Department of Public Health~~ (77 Ill. Adm. Code 665.140(f)).

F) All applicants to ISD and ICRE-R must submit a vision screening exam required by the School Code [105 ILCS 5/27-8.1(1.10)].

6) Other educational, medical, and social reports and documents as may be necessary or required by law for the application process (e.g., guardianship papers, birth certificate).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 755.27 The Admissions Process

- a) When the information required by Section 755.25 ~~of this Part~~ has been received, the ~~State~~ School may request the following to determine a student's eligibility for admission:
- 1) if additional documentation is needed, the parents shall be requested to sign a release of information for the purpose of obtaining the additional documentation;
 - 2) if additional documentation is not available, the ~~State~~ School may ~~require~~authorize additional evaluations from the LEA and/or parent ~~, with parental permission,~~ to determine if the ~~State~~ School is the appropriate placement for the student.
- b) When ~~it appears that~~ all of the necessary information required for admission has been received, the ~~Superintendent's~~superintendent's designee shall convene a meeting to determine eligibility. The meeting shall include representatives of ~~DHS and~~ LEA staff, School educational and dormitory representatives, medical personnel, the parents, the student and any other individual deemed necessary by the ~~Superintendents~~superintendent. The purpose of this meeting shall be to review all of the required application information and:
- 1) make a request for additional information, if deemed necessary; or

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- 2) recommend to the ~~Superintendents~~superintendent that the student be granted admission; or
 - 3) recommend to the ~~Superintendents~~superintendent that the student attend school on an evaluation basis~~be admitted on a trial evaluation~~; or
 - 4) recommend to the ~~Superintendents~~superintendent that the student be denied admission.
- c) ~~An~~A trial evaluation shall be used when, after receipt of all necessary information, there remains a question as to whether the ~~State~~School is an appropriate setting for the student. ~~An~~A trial evaluation shall be used for up to one semester. If, at the end of the ~~trial~~evaluation, it remains unclear as to the appropriateness of the ~~State~~School for the student, a second ~~trial~~evaluation may be granted for up to an additional semester. The anticipated time frame of the ~~trial~~evaluation will be established by the ~~State~~School, parents, local school district and student prior to beginning the evaluation. The ~~trial~~evaluation is not an admission to the ~~State~~School. The results of the evaluation shall determine admission. At the conclusion of the ~~trial~~evaluation, the ~~State~~School, parents, student and local school district shall discuss whether admission to the ~~State~~School is appropriate.
- d) The superintendent shall send written notification within 15 working days following the meeting. Notification shall be sent to the parent and the local school district regarding the outcome of the application for admission. For students who are accepted, the letter shall contain such information as the date of planned admission and any special considerations or expectations. This letter may also include the information regarding an ~~acceptance on a trial~~evaluation. Students who are accepted will be enrolled as soon as possible, but no later than the beginning of the next semester, provided space is available. For students denied admission, the ~~Superintendents~~superintendent shall furnish to the applicant's ~~parents~~parent(s), the local school district, and ISBE a written statement detailing the reasons for the denial, including, but not limited to, the types of related aids and services the child needs and the reasons the ~~State~~School cannot provide those aids and services. The statement shall also notify the ~~parents~~parent(s) of ~~their~~his/her right to appeal this decision to the ~~Superintendent~~superintendent.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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Section 755.50 Admission of Students with Severe Physical Disabilities ~~and Other Health Impairments~~

- a) The Superintendent of ~~the Illinois Center for Rehabilitation and Education – Roosevelt (ICRE-R)~~ shall admit students with severe physical disabilities ~~and health impairments~~ if space is available. These students shall ~~have been~~ diagnosed, by a physician licensed pursuant to the Medical Practice Act of 1989 [225 ILCS 60], as severely disabled by cerebral palsy, muscular dystrophy ~~or~~ spina bifida, or as having other severe physical disabilities ~~and health impairments~~, e.g., traumatic brain injury or a progressive neurological disorder, including those with secondary disabilities listed in 89 Ill. Adm. Code 765.10(d). ~~The child must be, between the ages of five to and 22 years old and must~~ reside in Illinois. It shall have, and it has been determined through an application and evaluation process that ICRE-R can provide an appropriate transition-based program.
- b) Students who have completed academic requirements at their local high school, but are in need of further IEP-related transition services (such as independent living and daily living skills, medical management, orientation and mobility, personal assistant management, etc.) may apply for admission to ICRE-R's transition program. Students found eligible for the transition program may remain at ICRE-R until they are 22 years old. A student who becomes 22 during the school year may be allowed to complete the quarter or the semester, whichever comes first.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 755.100 Development of the IEP

- a) There shall be an IEP meeting at the time of or following admission of the student for the purpose of reviewing and/or revising the IEP. An IEP team, whose members shall include the parents, The parent(s) and appropriate diagnostic, educational and local school district staff shall be invited to attend. At ICRE-R, the transition service part of the plan will be developed with related services staff, parents and local school district staff invited to attend.
- b) When the representative of the local school district who has the authority for obligation of funds, or the parent, is unable to attend the meeting in person, the

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~~School shall make every effort to obtain their participation in the process by telephone. If neither the representative of the local school district who has the authority for obligation of funds or the parent is unable to attend the meeting, the State School shall make every effort to obtain their participation in the process by telephone.~~ If the local school district is not present and if a commitment of funds from the local school district is required, the IEP meeting shall be recessed until the district's such commitment is may be obtained.

- c) A general education educator from the local school district shall participate in the IEP meeting.
- d) A team member may be excused from attendance when the LEA, parent and School agree, in writing, that the member's attendance is not necessary.
- ee) The School official, parents and local School district shall sign the completed IEP. All participants at the IEP meeting shall be requested, but not required, to sign the completed IEP. The completed IEP shall be signed by the appropriate State School official, the parents and the local school district. If the provisions of Section 755.25(a)(2) apply, the local school district shall be requested to sign the IEP, but its signature is not required.
 - 1) When a student is self referred to ISD or ISVI (see Section 755.25(a)(2)), the local school district's signature shall be requested on the IEP, but is not required.
 - 2) The signature of other participants at the IEP meeting shall be requested on the IEP, but are not required.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Dissolution and Reestablishment of Inactive Police Pension Funds and Firefighters' Pension Funds
- 2) Code Citation: 50 Ill. Adm. Code 4439
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
4439.10	New Section
4439.20	New Section
4439.30	New Section
4439.40	New Section
4439.50	New Section
4439.60	New Section
4439.70	New Section
4439.80	New Section
4439.90	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 3-144.6 and 4-106.1 of the Illinois Pension Code [40 ILCS 5/3-144.6 and 4-106.1]
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 97-99, effective January 1, 2012, allows the dissolution of an Article 3 (Police) or Article 4 (Firefighter) Pension Fund that no longer has any remaining liabilities. In order to qualify, the fund would have to have no potential liability to actives, retirees, dependents or deferred members. The fund would have to be reestablished if the municipality hired new fire or police personnel at a future date or if an employee who previously withdrew time wished to re-establish that service time. P.A. 97-99 calls for the Department of Insurance to promulgate rules to govern this dissolution and reestablishment process.

The rule will define when and in what manner a municipality may dissolve a pension fund under either Article 3 or Article 4 of the Illinois Pension Code. The rules will also define when and in what manner a municipality is required to reestablish the previously dissolved pension fund.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | | |
|---|----|--|
| Amanda Kimble, Staff Attorney
Department of Insurance
122 S. Michigan Ave., 19 th Floor
Chicago, Illinois 60603 | or | Susan Anders, Rules Coordinator
Department of Insurance
320 West Washington, 4 th Floor
Springfield, Illinois 62767-0001 |
| 312/814-5420
amanda.kimble@illinois.gov | | 217/558-0957
217/524-9033 fax |
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Municipalities with police or fire pension funds
- B) Reporting, bookkeeping or other procedures required for compliance: Municipalities dissolving a pension fund must provide independent auditor certification and comply with other requirements set forth in the rule.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER aaa: PENSIONS

PART 4439

DISSOLUTION AND REESTABLISHMENT OF INACTIVE POLICE
PENSION FUNDS AND FIREFIGHTERS' PENSION FUNDS

Section

4439.10	Purpose
4439.20	Applicability
4439.30	Definitions
4439.40	Dissolution of Pension Fund
4439.50	Requirements of Independent Auditor Certification
4439.60	Resolution or Ordinance to Dissolve the Pension Fund
4439.70	Re-establishment of Dissolved Pension Fund – New Hires
4439.80	Re-establishment of Dissolved Pension Fund – Reinstate Service in an Article 3 Police Pension Fund
4439.90	Re-establishment of Dissolved Pension Fund – Reinstate Service in an Article 4 Firefighters' Pension Fund

AUTHORITY: Implementing and authorized by Sections 3-144.6 and 4-106.1 of the Illinois Pension Code [40 ILCS 5/3-144.6 and 4-106.1].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 4439.10 Purpose

The purpose of this Part is to set forth the processes, procedures and requirements necessary for the dissolution of an inactive Article 3 police pension fund or an inactive Article 4 firefighters' pension fund, and the processes, procedures and requirements for the reestablishment of a dissolved Article 3 police pension fund or a dissolved Article 4 firefighters' pension fund pursuant to Sections 3-144.6 and 4-106.1 of the Illinois Pension Code [40 ILCS 5/3-144.6 and 4-106.1].

Section 4439.20 Applicability

This Part shall apply to the pension funds established under either Article 3 or Article 4 of the Code for which Section 3-144.6 or 4-106.1 applies.

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Section 4439.30 Definitions

"Active member" means a police officer or firefighter who is in active service and a participant of a pension fund established pursuant to Article 3 or Article 4 of the Code, respectively.

"Beneficiary" means a person eligible for or receiving benefits from a pension fund as provided in the Article of the Code under which the pension fund is established.

"Code" means the Illinois Pension Code [40 ILCS 5].

"Creditable service" shall have the same meaning as in Section 3-110 or 4-108 of the Code.

"Current pension fund" means the pension fund currently being dissolved.

"Current value" means the fair market value, when available; otherwise, the fair value as determined in good faith by the municipality, assuming an orderly liquidation at the time of the determination.

"Date of refund" means the date the police officer or firefighter received a refund from the respective pension fund pursuant to Section 3-124 or 4-116 of the Code.

"Director" means the Director of the Illinois Department of Insurance.

"Firefighter" shall have the same meaning as in Section 4-106 of the Code.

"Former firefighter" means an individual who terminated service with the municipal fire department and requested and received a refund of employee contributions from the firefighters' pension fund.

"Former police officer" means an individual who terminated service with the municipal police department and requested and received a refund of employee contributions from the police pension fund.

"Independent auditor" means an independent certified public accountant or independent accounting firm in good standing with the American Institute of CPAs and all states in which the accountant is licensed to practice.

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"Municipality" shall have the same meaning as in Section 3-103 of the Code for police pension funds and in Section 4-103 of the Code for firefighters' pension funds.

"Participant" means a police officer, firefighter, deferred pensioner or beneficiary of the respective pension fund. Participant also includes anyone who terminated service prior to being eligible to receive a benefit and has not requested and received a refund of contributions.

"Pension Division" means the Public Pension Division of the Illinois Department of Insurance.

"Police officer" or "Officer" shall have the same meaning as in Section 3-106 of the Code.

"Prior pension fund" means the pension fund in which the police officer or firefighter had accumulated creditable service time prior to becoming a member of the current pension fund.

"Refund" means the amount of contributions a police officer or firefighter received pursuant to Section 3-124 or 4-116 of the Code, respectively.

Section 4439.40 Dissolution of Pension Fund

- a) The corporate authorities of a municipality in which an Article 3 or Article 4 pension fund has been established may choose to dissolve the pension fund by resolution or ordinance if an independent auditor has certified to the authorities that the fund has no liabilities, no participants and no annuitants or beneficiaries entitled to benefits currently or in the future; the Pension Division performs a final examination of the pension fund; and all former police officers and firefighters are informed of the intent to dissolve the pension fund.
- b) The corporate authorities of a municipality shall not dissolve an Article 3 or Article 4 pension fund prior to the independent auditor certifying to the authorities that the fund has no liabilities, no participants and no annuitants or beneficiaries entitled to benefits currently or in the future, and the requirements of Sections 4439.50 and 4439.60 are complete. The cost of this certification shall be borne by the municipality.

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- c) The corporate authorities of a municipality shall not dissolve an Article 3 or Article 4 pension fund prior to the Pension Division performing a final examination of the pension fund that includes, but is not limited to, a review of independent auditor certification as required in Section 4439.50. The corporate authorities of a municipality shall not dissolve the pension fund prior to the municipality receiving a certification from the Pension Division that the municipality has complied with the requirements set forth in this Section.
- d) The corporate authorities of a municipality shall notify all former police officers identified in the independent auditor certification of the intent to dissolve the Article 3 police pension fund and all former firefighters identified in the independent auditor certification of the intent to dissolve the Article 4 firefighters' pension fund by certified letter to the last known address and by public notice 60 days prior to the dissolution of the pension fund.

Section 4439.50 Requirements of Independent Auditor Certification

- a) Prior to the corporate authorities of a municipality dissolving the pension fund by resolution or ordinance, an independent auditor must certify to the authorities that the pension fund has no liabilities, no participants and no beneficiaries, and no deferred pensioners entitled to benefits currently or in the future. A copy of the independent auditor certification shall be submitted to the Pension Division within 30 days after completion of the certification. The municipality shall include with the submission to the Pension Division, if not already included in the independent auditor certification, a copy of the independent auditor's report, including, but not limited to, the information required in subsection (b).
- b) The audit shall include, but not be limited to:
 - 1) a review of the most recent annual report filed with the Pension Division;
 - 2) a review of the assets held in the name of the pension fund, recording in the audit report the assets and the current value of the assets;
 - 3) a determination of whether the pension fund has any remaining participants or beneficiaries or former members who have not received a refund;
 - 4) a determination of whether the pension fund has any remaining liabilities, including a report of any remaining liabilities of the pension fund;

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- 5) a determination of whether the pension fund has any former members who have received a refund, recording the individual's:
 - A) Name;
 - B) Original date of hire;
 - C) Date of termination;
 - D) Dates of any disability or service breaks;
 - E) Creditable service time in the pension fund;
 - F) Date of refund; and
 - G) Amount of refund.

Section 4439.60 Resolution or Ordinance to Dissolve the Pension Fund

- a) The corporate authorities of a municipality in which an Article 3 or Article 4 pension fund has been established may dissolve the pension fund by resolution or ordinance after completion of the requirements in Section 4439.40.
- b) The corporate authorities of the municipality in which an Article 3 or Article 4 pension fund has been dissolved shall submit to the Pension Division a copy of the signed and dated resolution or ordinance dissolving the pension fund within 30 days after passage.

Section 4439.70 Re-establishment of Dissolved Pension Fund – New Hires

The corporate authorities of a municipality in which an Article 3 police pension fund or Article 4 firefighters' pension fund has been dissolved in accordance with Section 3-144.6 or 4-106.1 of the Code, respectively, shall re-establish the pension fund if a police officer, as defined in Section 3-106, or a firefighter, as defined in Section 4-106, is hired by the municipality subsequent to the pension fund's dissolution. The pension fund shall be re-established in the same manner as it was originally established under Section 3-101 or 4-101 of the Code.

Section 4439.80 Re-establishment of Dissolved Pension Fund – Reinstate Service in an Article 3 Police Pension Fund

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- a) The corporate authorities of a municipality in which an Article 3 police pension fund has been dissolved in accordance with Section 3-144.6 shall temporarily re-establish the pension fund if a former police officer's reinstatement of creditable service is required under Section 3-110.7(b) of the Code and 50 Ill. Adm. Code 4404.
- b) Upon receipt of notification by the municipality of the former police officer's intent to transfer creditable service under Section 3-110(d) of the Code, as required in 50 Ill. Adm. Code 4404.60, the municipality shall provide the former officer and the former officer's current pension fund with the information required of the prior fund in 50 Ill. Adm. Code 4404.70, as if the municipality was the prior pension fund.
- c) When the municipality receives a final authorization to transfer creditable service from the former officer's current pension fund, as required by 50 Ill. Adm. Code 4404.100, and the repayment of the refund with interest from the former officer as required in 50 Ill. Adm. Code 4404.90(a)(1), the municipality must transfer the designated creditable service time to the former police officer's current pension fund, along with all monies required to be transferred pursuant to 50 Ill. Adm. Code 4404.100(b).
- d) Upon the municipality's payment of all monies prescribed to the former police officer's current pension fund, the temporarily re-established police pension fund shall be considered dissolved.

Section 4439.90 Re-establishment of Dissolved Pension Fund – Reinstatement Service in an Article 4 Firefighters Pension Fund

- a) The corporate authorities of a municipality in which an Article 4 firefighters' pension fund has been dissolved in accordance with Section 4-106.1 of the Code shall re-establish the pension fund if a former firefighter's reinstatement of creditable service is required under Section 4-109.3(g) of the Code.
- b) Benefits under Section 4-109.3 of the Code
 - 1) A former firefighter who wants to receive benefits under Section 4-109.3 of the Code shall submit to the municipality:

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- A) notification of the intent to receive benefits, as required by Section 4-109.3(h) of the Code;
 - B) payment of the amount of refund received by the firefighter, with interest, as required by Section 4-109.3(g) of the Code; and
 - C) the additional contribution, with interest, required under Section 4-109.3(i) of the Code.
- 2) When the firefighter has adequately complied with the requirements of subsection (b)(1), the municipality shall re-establish the firefighters' pension fund in the same manner as it was originally established under Section 4-101 of the Code.
- c) The board of trustees for the re-established pension fund created under subsections (a) and (b) shall consist of the former firefighter and two members appointed by the mayor or president of the board of trustees of the municipality or fire protection district involved. If two or three former firefighters reinstate creditable service in the re-established pension fund, those former firefighters shall sit on the board of trustees with the two appointed members. If more than three former firefighters reinstate creditable service in the re-established pension fund, or the municipality hires a full time firefighter, the board of trustees shall be created in the manner prescribed in Section 4-121 of the Code.

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- 1) Heading of the Part: State (of Illinois) Employees' Deferred Compensation Plan
- 2) Code Citation: 80 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2700.315	Amendment
2700.770	Amendment
- 4) Statutory Authority: 40 ILCS 5/22A and Section 457 of the Internal Revenue Code
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will make the approved hardship distributions circumstances in line with the industry standard as well as the circumstances set forth by the Internal Revenue Code and related Treasury Regulations. In addition, the proposed amendments will clarify the amount available for a participant to take as a loan consistent with the Internal Revenue Code.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, explain or modify their activities.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Illinois State Board of Investment (the "Board") will consider all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Linsey Schoemehl
General Counsel/Chief Compliance Officer

ILLINOIS STATE BOARD OF INVESTMENT

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Illinois State Board of Investment
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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None that are not already in place.
 - C) Types of Professional skills necessary for compliance: None that are not already in place.
- 14) Regulatory Agenda on which this rulemaking was summarized: None.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE H: DEFERRED COMPENSATION
CHAPTER I: ILLINOIS STATE BOARD OF INVESTMENT

PART 2700

STATE (OF ILLINOIS) EMPLOYEES' DEFERRED COMPENSATION PLAN

SUBPART A: INTRODUCTION AND PURPOSE OF PLAN

Section	
2700.100	Establishment of Plan
2700.110	Purpose of Plan
2700.120	Economic Growth and Tax Relief Reconciliation Act of 2001 Good Faith Amendment (Repealed)
2700.125	Forms

SUBPART B: DEFINITIONS

Section	
2700.200	Definitions

SUBPART C: ADMINISTRATION

Section	
2700.300	Responsibilities of the Department
2700.310	Responsibilities of the Board
2700.311	Standards Governing the Selection of Investment Options
2700.315	Responsibilities of the Recordkeeper
2700.320	Deferred Compensation Hardship Committee
2700.330	Applicable Law

SUBPART D: PARTICIPATION IN THE PLAN

Section	
2700.400	Eligibility
2700.410	Enrollment
2700.415	Designation of Beneficiary
2700.420	Minimum Deferral
2700.430	Basic Annual Limitation

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- 2700.435 Age 50 Catch-up Annual Deferral Contribution
- 2700.440 Special Section 457 Catch-up Limitation
- 2700.450 Revocation of Deferral

SUBPART E: ESTABLISHMENT OF RETIREMENT AGE

Section

- 2700.500 Normal Retirement Age
- 2700.510 Alternative Normal Retirement Age

SUBPART F: PARTICIPANT'S ACCOUNTS, INVESTMENTS AND STATEMENTS

Section

- 2700.600 Deferred Compensation Accounts
- 2700.610 Allocation of Investment Earnings or Losses
- 2700.620 Investment Option Valuation
- 2700.630 Administrative Costs
- 2700.640 Method of Making Investment Requests
- 2700.650 Participant Statements
- 2700.660 Custodial Account
- 2700.670 Investment Options
- 2700.680 Rollovers to the Plan
- 2700.690 Plan-to-Plan Transfers to the Plan

SUBPART G: DISTRIBUTIONS

Section

- 2700.700 Distribution Events
- 2700.710 Beneficiary Election of Method of Distribution
- 2700.720 Election of Delayed Distribution Date (Repealed)
- 2700.730 Election of Method of Distribution
- 2700.735 Distribution for Certain Balances of \$5,000 or Less
- 2700.740 Unforeseeable Emergency
- 2700.745 Plan-to-Plan Transfers from the Plan
- 2700.750 Permissive Service Credit Transfers
- 2700.760 Leave of Absence
- 2700.770 Loans

SUBPART H: MISCELLANEOUS

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Section

2700.800	Nonassignability
2700.810	Payments to Minors and Incompetents
2700.820	Missing Persons
2700.830	Severability
2700.840	Days and Dates
2700.850	Domestic Relations Orders
2700.860	IRS Levy
2700.870	Mistaken Contributions

SUBPART I: AMENDMENT OR TERMINATION OF PLAN

Section

2700.900	Amendment of Plan
2700.910	Termination of Plan
2700.920	Merger with Prior Plans

2700.APPENDIX A	Administrative Rules (Repealed)
2700.EXHIBIT A	Administrative Rule I (Repealed)
2700.EXHIBIT B	Administrative Rule II (Repealed)
2700.EXHIBIT C	Administrative Rule III (Repealed)
2700.EXHIBIT D	Administrative Rule IV (Repealed)
2700.EXHIBIT E	Administrative Rule V (Repealed)
2700.EXHIBIT F	Administrative Rule VI (Repealed)

AUTHORITY: Implementing section 457 of the Internal Revenue Code (26 USCA 457, et seq., as now or hereafter amended) and implementing and authorized by Section 22A-111.1 and Article 24 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

SOURCE: Emergency rule adopted at 3 Ill. Reg. 11, p. 161, effective March 6, 1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 13, p. 7, effective March 19, 1979; amended at 3 Ill. Reg. 36, p. 436, effective August 29, 1979; amended at 4 Ill. Reg. 1, p. 45, effective December 26, 1979; amended at 6 Ill. Reg. 9655, effective July 23, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 10845, effective August 31, 1983; emergency amendments at 13 Ill. Reg. 629, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9308, effective May 31, 1989; emergency amendment at 17 Ill. Reg. 19976, effective November 2, 1993, for a maximum of 150 days; emergency expired April 2, 1994; amended at 18 Ill. Reg. 7224, effective May 2, 1994; amended at 21 Ill. Reg. 10050, effective July 15, 1997; emergency

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amendment at 23 Ill. Reg. 566, effective January 1, 1999, for a maximum of 150 days; amendment at 23 Ill. Reg. 6039, effective May 5, 1999; emergency amendment at 26 Ill. Reg. 478, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7442, effective May 6, 2002; emergency amendment at 29 Ill. Reg. 20050, effective November 23, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8408, effective April 21, 2006; amended at 33 Ill. Reg. 13451, effective September 14, 2009; amended at 35 Ill. Reg. 13928, effective August 1, 2011; amended at 36 Ill. Reg. 17518, effective January 1, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART C: ADMINISTRATION

Section 2700.315 Responsibilities of the Recordkeeper

The Recordkeeper shall:

- a) accept Plan contributions from the Department and cause those contributions to be invested among the Investment Options, as directed by the Participant;
- b) process distributions upon receipt of information from the Department that indicates that a Participant is eligible for distribution;
- c) process changes to Investment Options, as directed by the Board;
- d) process changes to investment allocations, as requested by the Participant, provided that the allocation is made to one of the available Investment Options and that the allocation reconciles with the Department's instructions, based upon the request from the Participant, for allocating the contribution;
- e) provide the production, printing and assembly of enrollment kits for distribution to eligible employees and provide enrollment representatives to assist with employee meetings;
- f) process all requests for hardship distribution due to an Unforeseeable Emergency resulting from:
 - 1) ~~legal fees involving criminal charges and civil divorce charges against/for the Participant and/or the Participant's qualifying dependents;~~ payment for the burial or funeral expenses for the parent, spouse and/or qualifying dependent of the Participant;

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- 23) costs associated with preventing eviction from, or foreclosure on the mortgage of, the Participant's primary residence;
 - 34) expenses for the repair of damage to the Participant's principal residence that would qualify for the casualty deduction under section 165 of the Code (regardless of whether the loss exceeds 10% of the Participant's adjusted gross income) beyond insurance reimbursement;
 - 45) unreimbursed medical expenses resulting from sudden illness or accident of the Participant or the Participant's spouse and/or qualifying dependents;
 - ~~6~~) ~~involuntary loss of wages; or~~
 - 57) other extraordinary and unforeseeable circumstances arising as a result of events beyond the Participant's control that create a financial hardship;
- g) review and forward all requests for hardship distribution for an Unforeseeable Emergency as governed by 26 CFR 1.457-6 (2012), resulting from a cause not contemplated in Section 2700.315(f) to the Hardship Committee for review and determination;
 - h) process all Loan applications, Loan repayments, Loan defaults and reamortizations;
 - i) communicate with Participants regarding the Plan's Participant Loan feature and notify Participants regarding delinquent Loan payments and other Loan-related matters;
 - j) prepare and mail quarterly account statements to Participants;
 - k) communicate with Participants regarding the costs and available Investment Options under the Plan, matters relating to investment education, and other information required in order to maintain qualification of the Plan or as otherwise agreed with the Board or the Department;
 - l) enter data provided by the Department into its recordkeeping system for the proper operation and maintenance of the records of the Plan;

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- m) provide Code section 457 compliance monitoring, monitor for compliance with laws governing the use of electronic media for providing employee benefits notices and making benefit elections and consents, and monitor distributions in the normal course, plan-to-plan transfers, Loans and rollovers to ensure compliance with the terms of the Plan;
- n) provide Participant access to daily pricing valuations through its on-line access system, as well as provide directions and/or direct links to other pricing calculators when applicable; and
- o) monitor, calculate and process required minimum distributions under section 401(a)(9) of the Code.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART G: DISTRIBUTIONS

Section 2700.770 Loans

- a) A Participant who is an Employee may apply for and receive a Loan from his or her Account Balance as provided in this Section. A Beneficiary may not apply for a Loan from his or her Account Balance.
- b) A Participant may initiate a Loan by contacting the Recordkeeper and filling out a loan application. Once a Loan is approved by the Recordkeeper, the Participant shall execute a promisory note in a form prescribed by the Recordkeeper.
- c) The amount to be loaned shall be selected by the Participant at the time a Loan application is filed and:
 - 1) shall not be for an amount less than \$1,000; nor
 - 2) exceed the lesser of:
 - A) \$50,000 reduced by the highest outstanding balance of loans from all qualified Employer plans from the preceding 12 months; or
 - B) one-half of the present value of the Participant's Account Balance.

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- d) Any amount in an account or accounts established for an alternate payee shall be excluded in determining the amount available for purposes of subsection (b).
- e) All Loans shall be repaid over a non-renewable repayment period between one and five years. A participant may pay off the Loan amount in full prior to the end of the repayment period by requesting a payoff amount from the Recordkeeper. Once the Recordkeeper has provided the Participant with a payoff figure, the Participant has 30 days in which to make the payment in one single installment via certified check or money order.
- f) Any Loan shall be amortized in substantially level installments of principal and accrued interest that shall be paid at least quarterly over the term of the Loan.
- g) All Loans shall provide a fixed rate of interest of 1% above the prime interest rate as published in the Wall Street Journal on the last business day of the month immediately preceding the month in which the Loan is granted.
- h) All Loans shall be secured as of the date of the Loan by the Participant's Account Balance; however, no more than 50% of the aggregate value of the Participant's Account Balance shall be used as security for the Loan.
- i) If a Participant dies prior to the disbursement of the proceeds of any Loan, the Participant's Loan request shall be void as of the date of death and no disbursement shall be made by operation of this Section to the Participant's Beneficiary or estate.
- j) The amount of the Loan may not be changed or revoked by the Participant and shall remain in effect until repaid or defaulted except in the case of any exception provided for military leave pursuant to the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) contained in 38 USC 4318. Participants shall not have more than one Loan outstanding at a time; a Loan must be repaid in full before another Loan can be applied for and received.
- k) Loan disbursements and any Loan fee shall be debited pro rata across all investment funds and available contribution types within the Participant's Account in effect at the time the debits are made by the Plan. Principal repayments and interest payments shall be reinvested in the Participant's Account in accordance with the Participant's investment elections in effect at the time payments are received by the Plan.

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- l) Participants are responsible for notifying the Department and Recordkeeper of any failure of Loan repayments to be initiated or otherwise be made in accordance with the Loan terms.
- m) Failure to make Loan repayments in the manner and within the time period provided for in the Loan shall result in a default on the Loan and the unpaid Loan balance and any interest due on the loan shall become due and payable in accordance with the terms of the Loan. Upon the occurrence of a default, a Participant's Account Balance shall be adjusted and the Recordkeeper shall otherwise process the default in accordance with applicable tax law requirements.
- n) A Participant that is not approved for a Loan or a Loan amendment may appeal the denial in writing to the Hardship Committee within 30 days after the date of the Loan denial. The Hardship Committee shall render a final decision, within 30 days after receipt of the appeal, that shall be binding on all parties.
- o) If an appeal for a Loan is approved, the Loan shall be made and repaid in accordance with this Section.
- p) Loan Initiation Service Policies
 - 1) The Plan's Loan policies shall be entered into the Recordkeeper's system; Loan processing will be implemented in accordance with this Section. Any changes to the Plan's Loan program must be communicated in writing to the Recordkeeper at least 30 business days in advance of the effective date of any change to this subsection (p).
 - 2) A Participant may initiate a Loan by speaking to a representative of the Recordkeeper or by accessing the Recordkeeper's website. If the Participant meets the Plan rules for loan eligibility and certifies that no other loan is outstanding across all affiliated retirement plans through the State of Illinois and the highest outstanding loan balance of each loan in the last 12 months for any affiliated retirement plan loan, then the Recordkeeper shall permit the Participant to initiate a Loan based upon the information certified by the Participant.
 - A) If a Participant's Account contains investments that access redemption fees on Loans, the redemption fee will be deducted

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from the Participant's Account and will not offset the Loan amount.

- B) In order to receive a Loan, the Participant will be required to provide the Recordkeeper with banking information in order to set up an ACH debit for Loan repayment. In addition, the Participant must agree to the terms and conditions of the ACH debit, as provided by the Recordkeeper.
 - C) The Participant's banking information will go through a pre-note process in order to validate the accuracy of the account information. If the account is rejected as a result of the pre-note process, the Participant will be notified: the Loan will be processed and the Participant will be required to provide revised banking information.
 - D) Participants will be permitted to investigate a Loan even if they are not eligible to initiate a Loan.
- 3) Loans may not be refinanced.
 - 4) If the Loan initiation is confirmed prior to the earlier of 4 p.m. Eastern Standard Time or the close of the New York Stock Exchange, the Participant's Account will reflect the Loan issue that same day. If the Loan initiation is confirmed after the close of the New York Stock Exchange, the Participant's Account will reflect the Loan issue the following business day.
 - 5) A Loan origination fee will be extracted from the Participant's Account at the time of the redemption and will not offset the Loan amount.
 - 6) A Loan check will be generated and mailed to the Participant's address of record within 2 business days from the date of issue.
 - 7) Each month, the Recordkeeper will provide the Board with a report detailing the Participants who have initiated Loans.
 - 8) Scheduled Loan Repayments:

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- A) The Recordkeeper's bank is instructed to debit the Loan repayment amount from the applicable Participant's banking account based upon the ACH debit information provided during the Loan initiation. The first Loan repayment amount will be debited on the first day of month following the Loan issue date plus 10 days and every first of the month thereafter (the debit date).
 - B) The Recordkeeper will apply the debited amount to the Participant's Loan on the fifth business day following the debit date.
 - C) If a Loan repayment is not successfully debited from the Participant's banking account, the Recordkeeper will notify the Participant and the Participant will be required to take one of the following actions prior to the quarter following the quarter of the missed Loan repayment (the cure period): immediately pay the total amount of any rejected Loan repayments; pay the rejected Loan repayment on the next scheduled repayment date, along with the next scheduled repayment amount; or pay the entire remaining Loan balance in full. In order to avoid a Loan default, processing of the elected repayment method must occur prior to the end of the cure period. If the Participant does not take action on the rejected Loan repayment, the next scheduled payment will be processed on the next scheduled Loan repayment date.
 - D) The Loan repayment amount shall be invested in accordance with the Participant's current investment election on file with the Recordkeeper.
- 9) Through the Recordkeeper's website, Participants will have the ability to view their Loan repayment history; receive notifications regarding insufficient funds or invalid banking information; edit the banking information on file with the Recordkeeper; and elect to receive email alerts regarding upcoming Loan repayments.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
530.20	Amendment
530.80	Amendment
530.95	Amendment
530.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to make Statewide program changes, open and close State-owned or -managed sites, and amend procedures at State sites.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Nick San Diego, Legal Counsel

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Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE,
BOBWHITE QUAIL, AND RABBIT HUNTING

Section	
530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.85	Youth Pheasant Hunting Permit Requirements
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95	Youth Pheasant Hunting Regulations
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

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SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. 12835, effective September 1, 2004; amended at 29 Ill. Reg. 13813, effective August 26, 2005; amended at 30 Ill. Reg. 14478, effective August 24, 2006; amended at 31 Ill. Reg. 9175, effective June 18, 2007; amended at 32 Ill. Reg. 17455, effective October 24, 2008; amended at 33 Ill. Reg. 13871, effective September 21, 2009; amended at 34 Ill. Reg. 16429, effective October 8, 2010; amended at 35 Ill. Reg. 15212, effective September 2, 2011; amended at 36 Ill. Reg. 14704, effective September 21, 2012; amended at 37 Ill. Reg. _____, effective _____.

Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations

- a) Zones: South zone consists of all lands south of the line that follows U.S. Route 36 from the Indiana State line to Springfield, all lands west of the line that follows Route 29 from Springfield to Pekin and all lands south of the line that follows Route 9 from Pekin to Dallas City, then due west to the Mississippi River; north

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zone is the remainder of the State.

b) Season dates:

- 1) North (all species except rabbits) – first Saturday in November through the next following January 8.

South (all species except rabbits) – first Saturday in November through the next following January 15.

Rabbits statewide~~South (rabbits)~~ – the first Saturday in November through the next following February 15~~January 22~~.

- 2) Hunting outside the set season dates is a petty offense.

c) Hunting hours: Sunrise until sunset. Hunting prior to sunrise or after sunset is a petty offense (see 520 ILCS 5/2.2). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

d) Daily limit:

- 1) Cock Pheasant~~pheasant~~ – 2 (see 520 ILCS 5/2.6)

Bobwhite Quail – 8 (see 520 ILCS 5/2.7)

Hungarian Partridge – 2 (see 520 ILCS 5/2.13)

Rabbit – 4 (see 520 ILCS 5/2.27)

- 2) Exceeding the daily limit is a petty offense.

e) Possession limit (after the second day of the hunting season):

- 1) Cock Pheasant – 6 (see 520 ILCS 5/2.6)

Bobwhite Quail – 20 (see 520 ILCS 5/2.7)

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Hungarian Partridge – 6 (see 520 ILCS 5/2.13)

Rabbit – 10 (see 520 ILCS 5/2.27)

- 2) Exceeding the possession limit is a petty offense.
- f) Cock pheasant may be hunted only; hen pheasants are illegal to take or possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 or 3.27 of the Wildlife Code [520 ILCS 5/1.13 or 3.27] or at sites listed in Section 530.105 and as provided for on designated sites in Section 530.110, and by falconry methods as described in 17 Ill. Adm. Code 1590, Falconry and the Captive Propagation of Raptors. Illegal taking of hen pheasants is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

- a) Hunting Seasons:
 - 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season (except as provided in subsection (a)(4)) and on December 25.

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park – Madison County

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled

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Unit

Johnson-Sauk Trail State Park

Kankakee River State Park

Moraine View State Park

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Saturday following the opening of the statewide upland game season~~Sunday of the site's controlled pheasant hunting season.~~

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River State Wildlife Area)

Moraine View State Park

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Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on the Lee County State Conservation Area (Green River) is each Friday through Sunday beginning with the Friday before the opening of the statewide upland game season through the seventh Sunday following (closed during the November and December firearm deer seasons).
- 4) Controlled pheasant hunting seasons are listed below; exceptions are in parentheses; with written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR operated areas:

Chain O'Lakes State Park (closed during the November 3-day firearm deer huntingseason) – the Wednesday before the first Saturday in November through the seventh Sunday following

Des Plaines State Conservation Area (closed during the November 3-day firearm deer huntingseason), Iroquois County State Conservation Area (closed during the November 3-day firearm deer huntingseason) and Moraine View State Park – the Wednesday before the first Saturday of November through the ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerald State Park – the Wednesday following the first Saturday of November through the ninth Sunday following

Horseshoe Lake State Park – Madison County (closed New Year's Day) – the second Wednesday of December or the first hunting day after the close of the central zone duck season, whichever occurs first, through the next following January 31

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (closed during the November and December firearm deer

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huntingseasons), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), Ramsey Lake State Park (closed on Wednesdays, Thursdays and Fridays during the first and second weeks after the opening date of upland game season, Saturday and Sunday during the first firearm deer season, Wednesdays and Thursdays thereafter, and New Year's Day), Sand Ridge State Forest – season dates are those specified in Section 530.20

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the next following January 8

- b) Hunting hours are listed below. On Thanksgiving Day, hunting hours are 9:00 a.m.-1:00 p.m. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	Check-In Times	Hunting Hours
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Des Plaines State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Iroquois County State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.

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Johnson-Sauk Trail State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Lee County State Conservation Area (Green River State Wildlife Area)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerald State Park (Rend Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

- c) Except for Standing Vehicle Permittees with a Disabled Controlled Pheasant Hunting Permit, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued by drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon unless an earlier time is posted at the site's hunter check station at the following sites:

Des Plaines State Conservation Area

Eldon Hazlet State Park

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

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Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River)

Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park

- d) Hunting licenses, daily "Public Hunting Grounds for Pheasants" fees and hunting permit fees collected by public/private partnership area concessionaire:
- 1) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card, they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
 - 2) Pursuant to 520 ILCS 5/1.13, at Lee County State Conservation Area (Green River), hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: \$30 residents; \$35 non-residents. On the Sunday following Thanksgiving Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.
 - 3) Pursuant to 520 ILCS 5/1.13, at Des Plaines State Conservation Area, Iroquois County State Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park, Kankakee River State Park, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: \$30 residents; \$35 non-residents. On the Sunday following Thanksgiving Day and the

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~~Saturday~~~~Friday~~ between Christmas Day and New Year's Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.

- 4) At Chain O'Lakes State Park, Horseshoe Lake State Park (Madison County), Ramsey Lake State Park and Silver Springs State Park, hunters must pay the following hunting permit fees to be collected by the public/private partnership area concessionaire under the terms of a Controlled Pheasant Hunting Agreement with the Department prior to hunting: 2 pheasant permit – at least \$30 but not more than \$33 residents and \$35 non-residents; 3 pheasant permit – at least \$40 but not more than \$44; 4 pheasant permit – at least \$50 but not more than \$55. On days requested by the concessionaire and authorized by the Department, hunters under 16 are not required to pay a hunting permit fee.
- e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or a non-toxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O' Lakes State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size ballistically equivalent to No. 5 lead or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances and Standing Vehicle Permittees and a single dog handler for the Permittee.
- i) Hunters under 16 years of age must be accompanied by an adult hunter.

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- j) Daily limits – On the following areas, a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses. With written authorization from the Director, the Department may issue more than one permit to a hunter and the limits provided for in 520 ILCS 5/3.28 shall apply:

Chain O'Lakes State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Des Plaines State Conservation Area

Eldon Hazlet State Park

Lee County State Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving Day and 4 rabbits per hunter)

Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per

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hunter)

Silver Springs State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerald State Park

- k) Tagging of birds.
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within 10 days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 530.95 Youth Pheasant Hunting Regulations

- a) At the following sites, the Illinois Youth Pheasant Hunt will be held on:
- 1) the Saturday preceding the opening of the statewide upland game season:

Clinton Lake State Recreation Area

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Mackinaw River State Fish and Wildlife Area

- 2) the ~~Saturday~~Sunday following the opening of the statewide upland game season:

Chain O'Lakes State Park

Des Plaines State Conservation Area

~~Eldon Hazlet State Park (Carlyle Lake)~~

Edward R. Madigan State Park

Lee County State Conservation Area (Green River)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Moraine View State Park

Sand Ridge State Forest

Sangchris Lake State Park

~~Wayne Fitzgerald State Park (Rend Lake)~~

- 3) the second Sunday following the opening of the statewide upland game season:

~~Eldon Hazlet State Park (Carlyle Lake)~~

Horseshoe Lake State Park (Madison County)

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~~Wayne Fitzgerald State Park (Rend Lake)~~

- 4) the Saturday two weeks before the opening of the statewide upland game season:

World Shooting and Recreational Complex

- 5) ~~one of the last two Saturdays of October or the first two Sundays of November 2012. As an option to the fall date or an addition to the fall date, a youth hunt may be scheduled for the first Saturday of March 2013. When the hunt date is determined, it will be listed on the DNR website at www.dnr.illinois.gov.~~

Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 11:00 a.m. to 4:00 p.m., and except at Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area and the World Shooting and Recreational Complex hunting hours are from 1:00 p.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 and 8:00 a.m. (between 10:00 and 10:30 a.m. at Sangchris Lake State Park).
- c) All hunters must be between the ages of 10-15 inclusive and have a youth hunting permit. Stand-by permits shall be issued by drawing held at the conclusion of check-in time when daily quotas are not filled. Hunters under age 16 are not required to pay a daily fee.
- d) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting licenses in the check station while hunting. Each permit holder must be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) card, the supervisory adult is required to have a valid FOID card. Only one supervisory adult in a hunting party is required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID card. The supervising adult shall be criminally liable for the actions

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of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.
- f) Persons who have killed game previously and have it in their possession or in their vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after hunting has started on the area will be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead or a nontoxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O'Lakes State Park, Eldon Hazlet State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerald State Park where only shot shells approved as nontoxic by the U.S. Fish and Wildlife Service with a shot size ballistically equivalent to No. 5 lead or smaller may be used.
- h) Daily Limit
 - 1) Two pheasants of either sex at Chain O'Lakes State Park, Des Plaines State Conservation Area, Eldon Hazlet State Park, Iroquois County State Conservation Area, Horseshoe Lake State Park (Madison County), Johnson-Sauk Trail State Park, Moraine View State Park, Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area, Sand Ridge State Forest, Wayne Fitzgerald State Park and the World Shooting and Recreational Complex.
 - 2) Two cock pheasants only at Clinton Lake State Recreation Area, Lee County State Conservation Area (Green River) and Mackinaw River State Fish and Wildlife Area.
 - 3) Statewide upland game limits at Sangchris Lake State Park and Edward R. Madigan State Park.

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- 4) Two pheasants of either sex, eight quail and four rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit.
- i) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- j) Violation of this Section is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

- a) General Site Regulations
 - 1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.
 - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
 - 3) On sites that are indicated by (1), hunters must check in and/or sign out ~~as provided for in 17 Ill. Adm. Code 510.~~ Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (5).
 - 4) On sites that are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size #3 steel or #5 bismuth shot or smaller may be used or possessed with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
 - 5) Site specific rules or exceptions are noted in parentheses after each site.
- b) Site Specific Regulations
 - 1) Statewide regulations apply at the following sites:

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Alvah Borah State Habitat Area (5)

Anderson Lake State Conservation Area (1)

Apple River Canyon State Park – Salem and Thompson Units
(rabbits only; closed during firearm deer huntingseason) (5+)

Argyle Lake State Park (closed during firearm deer huntingseason)
(5+)

Banner Marsh State Fish and Wildlife Area (opens the day after the
close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (hunting for bobwhite quail
will terminate at the close of legal shooting hours on December 14)
(1)

Big River State Forest (closed during firearm deer huntingseason)
(5+)

Cache River State Natural Area (1)

Campbell Pond State Wildlife Management Area (5)

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake State Lands and Waters (Corps of Engineers
Managed Lands)

Carlyle Lake State Fish and Wildlife Management-Area
(subimpoundment area closed 7 days prior to and during the
southern zone waterfowl season) (5)

Chauncey Marsh State Natural Area (5)Clinton Lake State Recreation Area (4:00 p.m. daily closing) (5)

Crawford County State Fish and Wildlife~~Conservation~~ Area (1)

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Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area (~~5~~4)

Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Ferne Clyffe State Park (1)

Fort de Chartres State Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (~~5~~4)

Fox Ridge State Park (4:00 p.m. daily closing; closed during firearm deer hunting) (5)

Fulton County State Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County State Conservation Area (~~5~~4)

Hanover Bluff State Natural Area (closed during firearm deer hunting (rabbit only)) (~~5~~4)

Hidden Springs State Forest (no hunting during firearm deer hunting; 4:00 p.m. daily closing) (5)

Horseshoe Lake State Conservation Area (Alexander County)

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(Public Hunting Area) (1)

Horseshoe Lake State Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (all hunters must obtain a free site permit)

Jim Edgar Panther Creek State Fish and Wildlife Area – Open Unit (5)

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (rabbit hunting only open Monday following the close of the controlled pheasant hunting season through the next following January 22) (5)

Jubilee College State Park (hunting for pheasant and quail will terminate at sunset on the Sunday after Thanksgiving; closed during all site firearm deer huntingseasons) (1) (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1)

Kickapoo State Recreation Area (4:00 p.m. daily closing; closed during firearm deer hunting) (5)

Kinkaid Lake State Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during all site firearm deer huntingseasons; rabbit hunting closes at the end of the pheasant and quail season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall State Fish and Wildlife Area (closed during firearm deer

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huntingseason) (51)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Meeker State Habitat Area (5)

Mermet Lake State Fish and Wildlife Area (51)

Middle Fork State Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer hunting) (5)

Mississippi River Pools 16, 17, 18

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting season; hunting hours are 8:00 a.m. to 4:00 p.m. only) (5)

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (51)

Nauvoo State Park (Max Rowe Unit only) (5)

Newton Lake State Fish and Wildlife Area (closed during firearm deer hunting) (5)

Oakford State Conservation Area

Peabody River King State Fish and Wildlife Area (West and North Subunits only) (1)

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Pyramid State Park (5)

Pyramid State Park – Galum Unit (5)

Rall Woods State Natural Area (closed during firearm deer hunting (rabbit only)) (5+)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County State Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (5+)

Red Hills State Park (5+)

Rend Lake Project Lands and Waters

Sahara Woods State Fish and Wildlife Area (5+)

Saline County State Conservation Area (5+)

Sam Dale Lake State Conservation Area (8:00 a.m. to 4:00 p.m.) (5+)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County State Conservation Area

Sanganois State Fish and Wildlife Area (5)

Shawnee National Forest, Oakwood Bottoms (2)

Shelbyville State Fish and Wildlife Area (4:00 p.m. daily closing)
(5)

Sielbeck Forest State Natural Area (5+)

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Siloam Springs State Park – Buckhorn Unit (opens December 5; closed during Late-Winter Deer Season) (5)

Skinner Farm State Habitat Area (1)

Snakeden Hollow State Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1) (2)

Spoon River State Forest (54)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (54)

Tapley Woods State Natural Area (closed during firearm deer hunting and muzzleloading rifle deer seasons; rabbit only) (1)

Ten Mile Creek State Fish and Wildlife Area (nontoxic shot only on posted waterfowl rest areas) (5)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County State Conservation Area (Firing Line Management Area only) (1) (2)

Washington County State Conservation Area (1)

Weinberg-King State Park (54)

Weinberg-King State Park (Cecil White Unit) (5)

Weinberg-King State Park (Scripps Unit) (54)

Weinberg-King State Park (Spunky Bottoms Unit) (54)

Weldon Springs/Piatt County Unit (closed during first and second firearm deer huntingseasons) (54)

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Wildcat Hollow State Forest ~~(5)~~

Winston Tunnel State Natural Area ~~(closed during firearm deer hunting (rabbit only) (5+))~~

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer ~~hunting season~~) ~~(closed during firearm deer hunting) (5+)~~

Wolf Creek State Park (open only January 16-22)

- 2) ~~Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:~~

~~Chauncey Marsh State Natural Area (obtain permit at Red Hills State Park headquarters)~~

~~Clinton Lake State Recreation Area (4:00 p.m. daily closing)~~

~~Fox Ridge State Park (4:00 p.m. daily closing; closed during firearm deer season)~~

~~Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)~~

~~Horseshoe Lake State Park (Madison County)—Gabaret, Mosenthein, Chouteau Island Unit~~

~~Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit)~~

~~Jim Edgar Panther Creek State Fish and Wildlife Area—Controlled Unit (rabbit hunting only open Monday following the~~

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~~close of the controlled pheasant hunting season through the next following January 22)~~

~~Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)~~

~~Lake Shelbyville—Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)~~

~~Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)~~

~~Middle Fork State Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)~~

~~Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting season; hunting hours are 8 a.m. to 4 p.m. only)~~

~~Newton Lake State Fish and Wildlife Area (closed during firearm deer season)~~

~~Pyramid State Park~~

~~Pyramid State Park—Galum Unit~~

~~Sanganois State Fish and Wildlife Area~~

~~Ten Mile Creek State Fish and Wildlife Area (nontoxic shot only on posted waterfowl rest areas)~~

- 23) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in

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November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily hunting permits filled by drawing through DNR Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders will forfeit hunting privileges at the sites covered in this Section for the following year:

Birkbeck Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Bradford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Clifton Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Coffeen Lake State Fish and Wildlife Area – Upland Management Area (open every Wednesday during the upland season; daily limit of bobwhite quail is 4; ~~permits issued for dates~~permits issued for dates~~rabbit hunting only~~are for rabbit hunting only; each permit authorizes the holder to bring ~~3~~32 hunting partners)

Dublin Highlands Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Eagle Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (3)

Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

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Finfrock State Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Freeman Mine Habitat Area (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer ~~huntingseason~~ and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Franklin Creek State Natural Area – Nachusa Prairie Sand Farm (each permit authorizes the holder to bring 3 hunting partners) (3)

Gifford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Green River State Wildlife Area (open every Monday, Wednesday and Thursday in November and December beginning with the Monday after the opening of the statewide upland season through the seventh Monday following; closed during the November and December firearm deer ~~huntingseasons~~; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Harry "Babe" Woodyard State Natural Area (each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours) (4)

Herschel Workman Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

~~Hurricane Creek State Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (4)~~

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Ilo Dillin State Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (2)(3)

Jim Edgar Panther Creek State Fish and Wildlife Area (Upland Game Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; permits issued for dates after the close of the pheasant and quail season are for rabbit hunting only ~~after the close of pheasant and quail season~~; each permit authorizes holder to bring 3 hunting partners)

Larry D. Closson Habitat Area (each permit authorizes the holder to bring 3 partners) (3)

Little Rock Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Mackinaw State Fish and Wildlife Area (each permit authorizes the holder to bring ~~5~~3 hunting partners) (4)

Manito Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Mautino State Fish and Wildlife Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Milks Grove Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Paul C. Burrus State Habitat Area (each permit authorizes the

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holder to bring 3 hunting partners) (4)

Perdueville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (open every Saturday and Wednesday starting with opening day through the close of statewide quail season (South Zone); closed during firearm, muzzleloader and late winter deer seasons and any day that conflicts with a scheduled field trial; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – Denmark Unit (open every Saturday and Wednesday starting with opening day through the close of statewide quail season (South Zone); closed during firearm, muzzleloader and late winter deer seasons and any day that conflicts with a scheduled field trial; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – East Conant Unit (open every Saturday and Wednesday starting with opening day through the close of statewide quail season (South Zone); closed during firearm, muzzleloader and late winter deer seasons and any day that conflicts with a scheduled field trial; each permit authorizes the holder to bring 2 hunting partners)

Sand Prairie Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer huntingseason; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except the Saturday of the second firearm deer season and

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December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 11:00 a.m. to sunset; check in required before hunting)

Saybrook Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sibley Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

~~Siloam Springs State Park—Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday thereafter until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)~~

Steward Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Victoria Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Whitefield Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Willow Creek State Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Wolf Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (4)

- 34) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m.-4:00 p.m.; hunting dates are noted in parentheses:

Chain O'Lakes State Park (open Wednesday through Friday following permit pheasant season) (1)

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Des Plaines State Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (no quail or rabbit hunting; controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County State Wildlife Management Area (open Wednesday through Sunday following permit pheasant season, excluding Christmas) (~~5~~)

Kankakee River State Park (no quail hunting)

Moraine View State Park (open Monday following the close of the controlled pheasant hunting season through the close of the North Zone season) (~~5~~)

Silver Springs State Park (dates are 5 days following the close of the site's permit pheasant season, excluding Mondays and Tuesdays) (1)

- c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Abandoned Mined Lands Reclamation
- 2) Code Citation: 62 Ill. Adm. Code 2501
- 3) Section Number: 2501.7 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Abandoned Mined Lands and Water Reclamation Act [20 ILCS 1920]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to allow for non-coal reclamation in Illinois.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Robert G. Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on the January 2013 Regulatory Agenda because the determination to amend this rulemaking was made after the Agenda was published.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 62: MINING

CHAPTER II: DEPARTMENT OF NATURAL RESOURCES

PART 2501

ABANDONED MINED LANDS RECLAMATION

Section	
2501.1	Scope
2501.4	Definitions
2501.7	Objectives and Priorities
2501.8	Utilities and Other Facilities
2501.10	Eligible Coal Lands and Water
2501.11	Eligible Non-coal Lands and Water
2501.13	Preliminary Project Selection
2501.16	Final Selection and Project Deferment
2501.19	Annual Grant Process
2501.22	Reclamation Activities
2501.25	Reclamation on Private Lands
2501.28	Rights of Entry
2501.31	Land Acquisition, Management and Disposal
2501.34	Emergency Abatement Activities
2501.37	Notice of Reclamation
2501.40	Public Participation

AUTHORITY: Implementing and authorized by the Abandoned Mined Lands and Water Reclamation Act [20 ILCS 1920].

SOURCE: Adopted and codified at 5 Ill. Reg. 9740, effective October 1, 1981; recodified at 8 Ill. Reg. 7212; amended at 9 Ill. Reg. 6641, effective May 1, 1985; emergency amendment at 10 Ill. Reg. 1254, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 14271, effective August 14, 1986; amended at 15 Ill. Reg. 6513, effective May 3, 1991; emergency amendment at 16 Ill. Reg. 2897, effective February 4, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8345, effective May 26, 1992; amended at 22 Ill. Reg. 11382, effective June 23, 1998; amended at 37 Ill. Reg. _____, effective _____.

Section 2501.7 Objectives and Priorities

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- a) *It is the policy of this State to provide for the conservation and reclamation of lands and water affected by mining which have been abandoned, in order to restore these abandoned lands and waters to such productive use, in accordance with this State's conservation and land reclamation policies, as will aid in maintaining or improving the property tax base, protect the health, safety and general welfare of the people, promote the natural beauty and aesthetic values of this State and enhance the environment, and correct and prevent soil erosion, stream pollution, water, air and land pollution, and other injurious effects to persons, property, wildlife and natural resources. [20 ILCS 1920/1.02] The goal of the State reclamation program described in this Part is to alleviate adverse environmental effects of abandoned mines and, whenever possible, to improve those abandoned lands to support a suitable land use.*
- b) It is the expressed intent of the General Assembly that the Department, in implementing these policies, administer the reclamation program in a way which satisfies the requirements of the Federal Act. Accordingly, the provisions of this Part shall be construed, if possible, in a manner which is consistent with the requirements of the Federal Act and the regulations promulgated thereunder.
- c) *Expenditures of money on abandoned coal mined lands for the purposes of the reclamation program shall reflect the following priorities in the order stated:*
- 1) *The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;*
 - 2) *The protection of public health, safety, and general welfare from adverse effects of coal mining practices;*
 - 3) *The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;*
 - 4) *The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;*

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- 5) *The development of publicly owned land adversely affected by coal mining practices including land acquired as provided in the Federal Act for recreation and historic purposes, conservation, and reclamation purposes and open space benefits. [20 ILCS 1920/2.03(a)]*
- d) Generally, projects lower than a priority 2 should not be undertaken until all known higher priority coal projects either have been accomplished, are in the process of being reclaimed, or have been approved for funding by OSM, except in those instances where such lower priority projects may be undertaken in conjunction with a priority 1 or 2 site in accordance with OSM's "Final Guidelines for Reclamation Programs and Projects" (61 FR 68777-68785, December 30, 1996).
- e) When the Department finds in writing that the adverse effects of coal mining practices have an adverse economic impact upon a community, a project shall be designated as a priority 1 or 2 threat to the general welfare, regardless of the nature of the problem conditions.
- f) The Department may make expenditures on lands mined for substances other than coal for the protection of the public health and safety; provided, however, that annual expenditures for non-coal reclamation shall not exceed 2% of the Department's annual budget for mined land reclamation; ~~and provided further that all obligations for such expenditures shall be made by August 31, 1999.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois State Library, Government Documents Section
- 2) Code Citation: 23 Ill. Adm. Code 3020
- 3) Section Number: 3020.210 Proposed Action: Amend
- 4) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21]
- 5) A Complete Description of the Subjects and Issues Involved: In Section 3020.210, subsection (c) is being deleted. Depository libraries will be able to discard a tangible state document if it is available in an electronic format made available by the Illinois State Library.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796

SECRETARY OF STATE

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217/558-4185
jnatale@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

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NOTICE OF PROPOSED AMENDMENT

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

PART 3020

ILLINOIS STATE LIBRARY, GOVERNMENT DOCUMENTS SECTION

SUBPART A: DEPOSIT OF PUBLICATIONS

- Section
- 3020.100 Definitions
- 3020.110 State Agency Publications
- 3020.120 State University Publications and Presses
- 3020.130 Delivery Cost and Responsibility
- 3020.140 Excess Copies (Repealed)
- 3020.150 Administrator of State Agency
- 3020.160 Lists of Published Materials

SUBPART B: DEPOSITORY LIBRARIES

- Section
- 3020.200 Designation of Depositories
- 3020.210 Retention and Disposal of Publications
- 3020.220 Citizen Access to Publications
- 3020.230 Inspection of Depositories (Repealed)
- 3020.240 Termination of Depository Status

AUTHORITY: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21].

SOURCE: Filed effective December 21, 1967; rules repealed, new rules adopted and codified at 8 Ill. Reg. 319, effective December 27, 1983; amended at 10 Ill. Reg. 4555, effective July 1, 1986; amended at 27 Ill. Reg. 219, effective January 1, 2003; amended at 33 Ill. Reg. 4169, effective February 27, 2009; amended at 34 Ill. Reg. 19115, effective November 22, 2010; amended at 36 Ill. Reg. 3248, effective February 16, 2012; amended at 37 Ill. Reg. _____, effective _____.

SUBPART B: DEPOSITORY LIBRARIES

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Section 3020.210 Retention and Disposal of Publications

- a) The Illinois State Library shall keep all depository materials indefinitely, except for ephemeral materials. The Illinois State Library shall retain one copy of superseded material. The Illinois State Library shall retain ownership of Illinois publications deposited in its depository and exchange libraries.
- b) Each depository must keep all publications for five years except superseded materials. At the end of that time, a depository may send a list of unneeded publications on the Government Documents List to other depository libraries for their selection. If other libraries request any publications on the list, the discarding library will forward the publications to them, by the least expensive method, at the selecting library's expense. Publications not selected by other depositories may be disposed of or destroyed.
- ~~e) A depository may discard a publication that is published in a tangible format and deposited in the electronic depository if it retains the tangible format for the current and previous year.~~
- c)d) A depository is permitted to replace tangible versions with electronic equivalents of publications provided the electronic version is complete and permanently accessible. The Illinois State Library will provide a list on its website of titles that meet these requirements.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois State Library Grant Programs
- 2) Code Citation: 23 Ill. Adm. Code 3035
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
3035.210	Amend
3035.240	Amend
3035.450	Amend
3035.540	Amend
3035.600	Amend
3035.610	Amend
3035.630	Amend
3035.640	Amend
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9141), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3]
- 5) A Complete Description of the Subjects and Issues Involved: The primary purpose of this rulemaking to establish a new service model for the Illinois State Library's Talking Book and Braille Service. In 2011, because of the State's cash flow, regional library systems merged, and now there are three systems in the state: the Chicago Public Library System (serving the Harold Washington Library Center and CPL branches); the Reaching Across Illinois Library System (serving all types of libraries in the northern half of the State; and Illinois Heartland Library System (serving downstate libraries of all types). Prior to the merger, there were three Talking Book Centers (TBCs) in the State: Chicago Public Library in Chicago, Mid-Illinois Talking Book Center in East Peoria, and Voices of Vision Talking Book Center in Geneva. Under the new regional library system alignment, the Chicago Public Library Center will continue as a TBC, and Voices of Vision and Mid-Illinois TBCs have been reclassified as one Advisory and Outreach Center (AOC). The name shall be Illinois Talking Book Outreach Center. The Illinois Heritage Library System will maintain a Machine Sub-lending Agency. The circulation programs from Mid-Illinois and Voices of Vision Talking Book Centers have been assumed by the Illinois State Library. The reclassification of TBCs coincides with activities of the National Library Service (NLS). In recent years, with the digital transition of TBBS material and 2008 recession funding reductions, new service patterns

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and centers have developed nationally. Some closing TCBs are now recognized by NLS as Advisory and Outreach Centers (AOCs) defined below. The primary mission of the centers is outreach to their communities, identifying and registering eligible individuals, and providing them with reader-advisory services.

This rulemaking also clarifies the definition of a "Contract" in the Literacy Grant Program (Section 3035.210), and updates the incorporation by reference of the Standard Form of Agreement Between Owner & Contractor A-101 in Subparts D and E.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Library of Congress established the Advisory and Outreach Centers module of service in November 2011.
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. Standard Form of Agreement Between Owner & Contractor A-101 is being updated from 1997 to 2007 in Sections 3035.450 and 3035.540.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The policy objective is to ensure the TBBS program is operating under National Library Service model for service, and the program accurately reflects the regional library system alignment in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph Natale
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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Municipalities that operate a public library will have to conform to the requirements in this Part. Small businesses and not for profits that apply for a grant in the Literacy Grant Program will have to conform to the requirements in this Part.
 - B) Reporting, bookkeeping or other procedures required for compliance: Grant recipients are to follow the fiscal and reporting requirements of the program under which they receive a grant.
 - C) Types of Professional skills necessary for compliance: Grant recipients should be able to have the technology competency to apply for grants through an electronic system and be able to have the administrative capacity to manage a grant program.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATEPART 3035
ILLINOIS STATE LIBRARY GRANT PROGRAMS

SUBPART A: STATE GRANTS

Section

3035.10	Definitions
3035.100	System Area and Per Capita Grants
3035.105	Library System Technology Grants
3035.110	Special Library Services to Persons with a Print Disability
3035.115	Public Library Per Capita and Equalization Aid Grants
3035.120	School District Library Grant Program
3035.125	Library Grants for Veterans' Homes
3035.130	Educate & Automate Automation/Technology Grants
3035.135	Requirements, Denial and Revocation of Approval
3035.140	Grants, Expenditures and Audits
3035.150	Appeal Procedure

SUBPART B: LITERACY GRANT PROGRAM

Section

3035.200	Purpose
3035.210	Definitions
3035.220	Application for Grant
3035.230	Review of Grant Applications
3035.240	Award of Grants, Accountability and Recordkeeping
3035.250	Cancellation of Grant
3035.260	Fiscal Procedures
3035.270	Other Requirements (Repealed)
3035.280	Penny Severns' Grant Program (Repealed)
3035.290	Invalidity

SUBPART C: SCHOLARSHIP PROGRAM GRANTS

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Section

3035.300	Purpose
3035.310	Definitions
3035.320	Number and Amount of Scholarship Program Grants
3035.330	Illinois Library Schools and Attendance Requirements
3035.340	Eligibility Requirements
3035.350	Application Process
3035.360	Selection of Scholarship Program Grantees
3035.370	Conditions of Scholarship Program Grants

SUBPART D: LIVE AND LEARN CONSTRUCTION GRANTS

Section

3035.400	Purpose
3035.410	Definitions
3035.420	Duty to Administer
3035.430	Priorities in Library Grant Construction Proposals
3035.435	Grant Funding Limitations
3035.440	Additional Grant Funds
3035.450	Grant Application Procedure
3035.460	Requirements and Conditions of Grant Funds
3035.470	Remodeling for Accessibility
3035.480	Shared Use Facilities
3035.490	Disbursement of Grant Funds

SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

Section

3035.500	Purpose
3035.510	Definitions
3035.515	Eligibility Requirements
3035.520	Grant Applications
3035.525	Priority of Public Library Construction Act Projects
3035.530	Grant Amounts and Use
3035.535	Grant Awards
3035.540	Supervision of Public Library Construction Act Projects
3035.550	Carry-over Projects
3035.555	Referendum Requirements

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3035.560	Public Library Capital Needs Assessment
3035.565	Public Library Site Selection
3035.570	Eligible Project Costs
3035.575	General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds
3035.580	Standardized Definitions and Guidelines
3035.585	Limitations on Expenditures of Bond Proceeds

SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)

Section	Purpose
3035.600	Purpose
3035.610	Definitions
3035.620	Eligibility
3035.630	Application for Service
3035.640	Application for Grant Talking Book Centers
3035.650	Provision of Information Transmission Services
3035.660	Remittance for Information Transmission Services

SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)

Section	Purpose
3035.700	Purpose
3035.710	Definitions
3035.720	Duty to Administer
3035.730	Grant Application and Awards

3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

3035.EXHIBIT B Guidelines for Rating Life Safety/Legal Issues (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9141), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].

SOURCE: Adopted at 31 Ill. Reg. 16310, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008; amended at 33 Ill. Reg. 4180, effective February 27, 2009;

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amended at 35 Ill. Reg. 18366, effective October 18, 2011; amended at 36 Ill. Reg. 12385, effective July 18, 2012; amended at 37 Ill. Reg. 4348, effective March 19, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART B: LITERACY GRANT PROGRAM

Section 3035.210 Definitions

"Adult Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult students using volunteer tutors.

"Adult Literacy Provider Agency" means an educational agency providing basic skills or English language instruction to adult students.

"Adult Student" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (17), is not currently enrolled in school (see 105 ILCS 5/Art. 26) and qualifies for instructional services through an educational assessment.

"Applicant" means "Submitting Agency" as defined in this Section.

"Application" means the formal request for a literacy grant submitted to the Illinois State Library pursuant to this Subpart.

"Basic Skills Instruction" means instructional services in reading, writing, comprehension and/or computation.

"Businesses" means public or private employers. Businesses functioning as educational agencies may not be a for-profit entity.

"Child Education Agency" means an entity working with children at risk of school failure.

"Coalition" means a structured cooperative effort among libraries, education agencies, and community-based organizations, or any combination of these entities, at the local or regional level.

"Community" means any county or municipality in Illinois.

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"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, that provides services to citizens within that community and the surrounding area.

"Computation" means to determine by mathematics.

"Contract" means the agreement between the Illinois State Library and submitting agency to implement a literacy project~~one or more literacy grant projects awarded to any one applicant.~~

"Educational Agencies" means those entities eligible to apply that are public libraries and are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board; community based organizations, volunteer agencies or a coalition of those entities, and businesses as defined in this Section. If not a governmental entity, the agency must have been granted 501(c)(3) status by the Internal Revenue Service.

"Educational Assessment" means testing methods that measure the educational skills possessed by adults, including reading, writing, comprehension, computation or English language skills.

"English Language Instruction" means instructional services in reading, writing, comprehension, computation and speaking the English language.

"Family Literacy" means a structured program that provides direct instructional services in basic skills or English language, parenting instruction for adults, developmentally appropriate activities for children, structured reciprocal time for both to learn together, and library education.

"Fiscal Year" means the fiscal year of the State of Illinois.

"Instructional Materials" means written materials and computer software programs that are used in teaching adults basic reading, writing, comprehension, computation or English language skills.

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"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320/7.2].

"Library" means a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, compute, comprehend and speak English above the 9.0 grade level or speak English above student performance level 7 as measured by an educational skills assessment.

"Literacy Program" means a structured project or program that provides direct instructional services in literacy to adult students.

"Math Student" means an adult whose math skills are below the 9.0 grade level and who is enrolled in the literacy program for math instruction.

"Partnering Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State, who is the State Librarian.

"Site Visit" means a visit conducted by a literacy grant monitor to a literacy grant recipient to determine whether the project meets or maintains the criteria of the grant program. The site visit may be made in person, by phone or by electronic means, at the discretion of the Illinois State Library Literacy Office.

"State Library" or "ISL" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].

"Submitting agency" means the eligible education agency or business authorized to submit a literacy grant application. The submitting agency shall be the legal entity responsible for the disbursement of public funds.

"Testing" means educational assessment.

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"Volunteer Tutor" means an unpaid, trained individual over the age of 17 who provides one to one or small group instruction to adult students.

"Workplace Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult employees or prospective employees at their place of employment.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 3035.240 Award of Grants, Accountability and Recordkeeping

- 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 3035.230.
- b) Grant awards will be made upon appropriation of funds. For grants under this Subpart, the State Library shall make a lump sum payment upon the signing of the grant contract with the Secretary of State.
- c) No public funds shall be awarded to any grant applicant that:
 - 1) Does not certify or state that it will comply with the Illinois Human Rights Act [775 ILCS 5].
 - 2) Uses as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud or misrepresentation under laws of the United States, Illinois or any other state, or have been convicted of bribery in violation of Section 50-5 of the Illinois Procurement Code [30 ILCS 500/50-5].
 - 3) Has employees of the Office of the Secretary of State as its managers.
 - 4) Has been disqualified and had its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved by LAB, failure to complete reporting requirements satisfactorily, misappropriation of funds, or any violation of this Part as determined by the Secretary.

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- d) ~~No more than one contract shall be awarded under this Subpart to any one applicant in the same fiscal year.~~ Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- e) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible or within 60 days after the recommendation is presented to the Secretary.
- f) 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 disclosure 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.
- g) 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. Reports to be submitted include:
- 1) Quarterly financial reports showing expenditures made from grant funds by line item.
 - 2) Quarterly narrative reports stating the progress of the project.
 - 3) Semiannual statistical reports including number of students served and results of educational assessments.
- h) A literacy grant monitor shall make a minimum of one site visit during each biennium. Additional site visits shall be made at the discretion of the Illinois State Library Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, requests by literacy program). Literacy monitors shall evaluate program effectiveness. It shall be the responsibility of the grant monitor to:
- 1) Review the grant budget and expenditures in the project to date.
 - 2) Verify that the project plan is being implemented according to the proposal approved by the LAB.

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- 3) Submit a written report on the progress of the project to the Literacy Office following each site visit.
- i) 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/Art. III].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART D: LIVE AND LEARN CONSTRUCTION GRANTS

Section 3035.450 Grant Application Procedure

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit a signed, completed current library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants. The applicant shall provide:
 - 1) Application Phase
 - A) To be eligible for a Live and Learn construction grant, assurances contained in this Section, as listed in the Construction Grant Application Form.
 - B) A statement describing the necessity for the proposed project.
 - C) A statement of plans to meet existing library standards of service, Illinois Library Standard 2.0, Serving Our Public: Standards for Illinois Public Libraries, incorporated by reference in Section 3035.115. This subsection (b)(1)(C) shall not apply to library systems.

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- D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
- E) A facility plan. For projects with a total cost of over \$150,000, a library building consultant may work with the library in developing the facility plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- F) For projects with a total cost equal to or greater than \$75,000, assurance that an architect or engineer licensed to practice in Illinois is being utilized.
- G) Project design, with a site plan, outline of specifications and an estimated cost per square foot.
- H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- I) For new construction, additions and projects involving evacuation of soil:
 - i) Documentation stating whether the project site is located in a Special Flood Hazard Area found at the Illinois State Water Survey's Illinois Floodplain Map website (<http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.
 - ii) A subsurface soil analysis by a soils engineer.

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- iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.
 - J) Assurance that the real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership or proof of long-term occupancy (20-year minimum) shall be provided, except for mini-grants. The applicant shall provide assurance that the building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.
 - K) An Americans With Disabilities Act Self-Evaluation, except for new construction projects.
 - L) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that a referendum is pending or various fundraising activities will be undertaken in the future, with the amount to be raised remaining uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3035.400.
- 2) Construction Phase
- A) An assurance that the grantee library will expend 100% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. If the grantee fails to submit a final report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the Director of the Illinois State Library.

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- B) An assurance that the construction work will be performed under the lump sum (fixed price) contract method.
- C) An assurance that the library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- D) Architectural, engineering and land surveying contracts made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- F) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) An assurance that a copy of the building permit will be supplied to the Illinois State Library prior to the actual construction and that the permit will be posted in a prominent place on the construction site.

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- H) An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.
- I) An assurance that contractors and subcontractors will comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.
- J) Construction contracts signed by both the library board (or library system board) and contractors that is, or is comparable to, the "Standard Form of Agreement Between Owner & Contractor A-101-~~2007~~1997," published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any contracts between the library board or library system board and contractors if:
- i) The bidding procedure outlined in subsection (b)(2)(E) was not followed.
 - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are

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not incorporated into the contracts between the library board or library system board and the contractors.

- K) An assurance that a sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction and that a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.
- L) An assurance that construction will not begin until a contract is executed with the State Librarian.
- M) An assurance that construction will commence within 140 days after the effective date of the grant contract, according to Section 3035.435(f).
- N) An assurance that any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, will have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- O) An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the Director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.
 - i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest

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- earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
- ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
 - iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).
 - iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.
- P) An assurance that, when construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
 - Q) An assurance that the library will establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
 - R) An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application , upon approval of the Illinois State Library, except that subsections (b)(2)(F) and (b)(2)(I) will not be waived.
 - d) Applications will be considered in accordance with Section 3035.420(c).

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- e) Grant applications are subject to the conditions stipulated in Section 3035.135.
- f) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

Section 3035.540 Supervision of Public Library Construction Act Projects

The State Librarian shall exercise general supervision over public library construction projects financed pursuant to the Act.

- a) The grantee library will expend in 30% increments. The public library shall submit a letter from an architect and a financial report at the 30, 60 and 90% points of substantial completion. The final 10% will be paid out upon completion of the project and submission of all final reports to the State Librarian.
- b) Construction work will be performed under the lump sum (fixed price) contract method.
- c) The library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- d) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- e) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the

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advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.

- f) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- g) A copy of the building permit shall be supplied to the State Librarian prior to the actual construction, and the permit shall be posted in a prominent place on the construction site.
- h) Any change in the Plans and Specifications requiring a work change order shall be submitted to the State Librarian. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The State Librarian shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.
- i) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.
- j) Construction contracts shall be signed by both the library board and contractors, using the Standard Form of Agreement Between Owner & Contractor A-101-~~20071997~~, published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292, or a comparable format. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the State Librarian prior to the start of construction. All subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the library board and the State Librarian. The State Librarian shall have the right to disapprove any contracts between the library board and contractors if:

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- 1) The bidding procedure outlined in subsection (e) was not followed.
 - 2) The conditions and standards specified in the contract between the State Librarian and the library board are not incorporated into the contracts between the library board and the contractors.
- k) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs. Decisions shall not affect the time frame imposed unless approved by the Director of the State Library.
- l) A sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction and that a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.
- m) Any agent authorized by the State Librarian, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- n) Construction will commence within 140 days after the effective date of the grant contract. Construction may not commence until proof of ownership or long-term lease agreement of the affected real estate is received.
- o) The following reports and records will be completed and transmitted to the State Librarian: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a fin extension is granted by the State Librarian; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Librarian. The final financial report shall be signed by the president of the library's board of directors.
- 1) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.

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- 2) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
- 3) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).
- 4) For a project that requires an architect or engineer, the architect or engineer shall certify to the State Librarian when the project reaches the 30%, 60%, 90% and 100% stage of completion.
- p) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
- q) The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- r) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the public library construction project.
- s) Some of the documentation and assurances in this Section may be waived or modified by the State Librarian if the applicant adheres to comparable or stricter requirements, except that subsections (f) and (i) will not be waived.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)

Section 3035.600 Purpose

- a) TBBS provides postage-free mail order public library service to any Illinois resident who is unable to read standard print material due to a permanent or temporary visual or physical disability. NLS supplies the talking book and Braille book collection. Under the direction of the TBBS, TBCs, [AOCs and MSLAs](#)

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provide this service directly to the residents of the geographic areas they serve by providing customer service by telephone, mail or online.

- b) TBBS is the administrator of the grant funds that support this program. It also provides automation support, collection backup, bibliographic control, continuing education opportunities and organized leadership for the group.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 3035.610 Definitions

"Accessible Electronic Information Service" means news and other timely information (including newspapers) provided to eligible patrons from multi-state service centers or qualified providers as designated by the Director, using high-speed computers, telecommunication and attendant technologies for acquisition of contents and rapid distribution.

"Advisory and Outreach Center" or "AOC" means a provider of reader-advisory, outreach and/or machine lending activities. AOC also provides walk-in services for patrons who use digital books that the AOC downloads from NLS.

"Competent Authority" means, in cases of blindness, visual disability or physical limitations, physicians licensed to practice medicine in the State of Illinois or comparable licensing authority; doctors of osteopathy; ophthalmologists; optometrists; registered nurses; physical therapists; and professional staff of hospitals, institutions and public and welfare agencies, such as social workers, case workers, counselors, rehabilitation teachers, and school superintendents. In the absence of any of these, certification of eligibility may be made by professional librarians or any person whose competence under specific circumstances is acceptable to the Library of Congress. In the case of reading disability from organic dysfunction, "competent authority" means physicians licensed to practice medicine by the State of Illinois or comparable licensing authority who may consult with colleagues in associated disciplines.

"Director" means the State Librarian.

"Eligible Patron" means a blind person whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting lenses, or

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whose widest diameter of visual field subtends an angular distance no greater than 20 degrees. Other eligible print-disabled persons include persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material; persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations; and persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner. Senior citizens are eligible for this program.

"Free Matter" means postage free mailing of specified materials for the network of cooperating libraries and for eligible patrons. The cost for Free Matter is provided directly to the United States Postal Service by the Congress of the United States through the USPS budget. Examples of free material are books and magazines on tape, large-print material, Braille books and magazines, descriptive video, old-time radio shows, playback machines and other sound enhancement accessories.

"Illinois Radio Information Services" or "IRIS" means the network that broadcasts accessible electronic information services on a daily basis on a special radio called a sideband receiver. The receivers are distributed at no cost to eligible patrons. Local newspapers are read and usually include pieces of news that may not generally be heard on the television news broadcasts. A variety of topics are available, including comics, grocery ads and obituaries. IRIS also produces public affairs programs and listener call-in shows.

"Machine Sub-lending Agency" or "MSLA" means an entity that engages in lending federally owned and supplied equipment. An MSLA offers personal attention to readers' equipment needs, such as specially designed record players, cassette players and accessories.

"National Library Service for the Blind and Physically Handicapped" or "NLS" means a part of the Library of Congress. NLS produces books and magazines, in recorded and Braille formats, playback equipment for listening to the books, an international online catalog of available books, and catalogs of available books in accessible formats. These materials are distributed to a network of cooperating libraries throughout the United States that serve eligible patrons on a temporary or permanent basis.

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"Qualified Provider" means any entity that can provide high quality and timely information that is accessible through an electronic information service.

"Regional Library for the Blind and Physically Handicapped" or "LBPH" means the Talking Book and Braille Service (TBBS) for blind and physically disabled individuals that is administered by the Illinois State Library as designated by NLS.

"Talking Book Centers" or "TBCs" means facilities in Illinois designated by the Director of the Illinois State Library that are geographically dispersed throughout the State that provide direct library service to eligible patrons delivered primarily through the free matter for the blind and physically handicapped postage subsidy as defined in Section E040 of the Domestic Mail Manual published in The Postal Bulletin (PB 22081, July 23, 2003), which can be ordered from the United States Postal Service, 475 L'Enfant Plaza, SW, Washington DC 20260-5540.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

| **Section 3035.630 Application for Service**

- a) Applications to receive the service are available at TBBS, TBCs, AOCs Talking Book Centers and public libraries, online and from health and social services professionals. The forms ask for such information as name, address, date of birth, education, type of disability, items an applicant intends to borrow, and machinery that will be necessary to access that material.
- b) Each applicant must be certified as eligible and meeting requirements by a competent authority.
- c) The application will be available in a format prescribed by the Illinois State Library Talking Book and Braille Service. Applications are available at http://www.cyberdriveillinois.com/departments/library/TBBS/app_eligibility.html

(Source: Amended at 37 Ill. Reg. _____, effective _____)

| **Section 3035.640 Application for Grant Talking Book Centers**

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- a) The geographic boundaries of a TBC, AOC and MSLA shall be those boundaries approved by the State Librarian. In setting TBC, AOC and MSLA boundaries, the State Librarian shall place primary importance on the statewide implication of resource sharing, the efficient use of public funds, the impact on affected eligible patrons, and the impact on services provided by the affected TBC, AOC and MSLA.
- b) To qualify for an annual grant as a TBC, AOC or MSLA, the applicant entity shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped to serve as a TBC, AOC or MSLA. An annual contract with the State Library shall be executed that specifies the objectives and budget for the service. The applicants shall provide the information stipulated in Section 3035.135(d). The application shall ~~also contain:~~ consist of:
- 1) A statement on the proposed use of the grant for which application is being made that shall show how grant funds will be used to expand TBC, AOC and MSLA services to eligible patrons. Grant funds may be used for staff, materials, equipment and services.
 - 2) A report on the use of the previous year's grant, if a grant was received, that shall show how the grant was used and an evaluation detailing the impact of the program.
 - 3) A certification stating that:
 - A) the grant funds will be kept in a separate account;
 - B) local funding for library service will not diminish as a result of the program;
 - C) the library will submit quarterly financial and programmatic reports to the Illinois State Library on October 30, January 30, April 30 and July 30 of each year covering the use of the funds.
- c) Funds allocated for statewide services under this program are awarded in the form of grants to units of government that are exempt from the Illinois Procurement Code.

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- d) The State Library will maintain an updated list of TBCs, AOCs and MSLAs on its Web site.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3) Section Number: 330.220 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]
- 5) Effective Date of Rulemaking: May 31, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 2597; March 8, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Agency is proposing this amendment to Section 330.220(b)(4)(A) to clarify the intent of general license registration requirements such that any gauging or controlling device that contains 37 MBq (1 mCi) or greater of radioactive materials other than strontium-90, radium-226 or polonium-210 will be required to be registered with the Agency. This proposed amendment will ensure

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compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 31.5 regulations currently in place for use of radioactive materials.

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

Louise Conway
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses

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330.325	Termination Requirements for Specific Licenses and Locations of Use
330.330	Renewal of Licenses (Repealed)
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420

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ILCS 40].

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013; amended at 37 Ill. Reg. 7960, effective May 31, 2013.

SUBPART B: TYPES OF LICENSES

Section 330.220 General Licenses – Radioactive Material Other Than Source Material

- a) Certain Devices and Equipment
 - 1) A general license is hereby issued to transfer, receive, acquire, possess and use radioactive material incorporated in the following devices or equipment that has been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341 and 400 and Sections 330.40(a)(2), 330.310, 330.400 and 330.500 of this Part.

AGENCY NOTE: Attention is directed particularly to the provisions of 32 Ill. Adm. Code 340 that relate to the labeling of containers.

- 2) Static Elimination Device. Devices designed for use as static eliminators

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that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device.

- b) Certain Measuring, Gauging or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere
- 1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business and State or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections (b)(2) through (9), radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.
 - 2) The general license provided by subsection (b)(1) applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Agency pursuant to Section 330.280(d) or in accordance with the specifications contained in an equivalent specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a former Licensing State. The devices shall have been received from a specific licensee described in this subsection (b)(2) or through a transfer made under subsection (b)(3)(L).

AGENCY NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling that is found in 21 CFR 179.21.
 - 3) Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (b)(1) of this Section:

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- A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained on the device and shall comply with all instructions and precautions provided by such labels;
- B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified on the device labels; however:
 - i) A device containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and
 - ii) A device containing only tritium or not more than 3.7 MBq (100 microCi) of other beta and/or gamma emitting material or 370 kBq (10 microCi) of alpha emitting material or a device held in storage in the original shipping container prior to initial installation need not be tested for any purpose;
- C) Shall assure that testing (including testing required by subsection (b)(3)(B)), installation, servicing and removal from installation involving the radioactive material, its shielding or containment is performed:
 - i) In accordance with the instructions provided by the labels; or
 - ii) By a person holding an applicable specific license from the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to perform such activities;
- D) Shall maintain records showing compliance with the requirements of subsections (b)(3)(B), (C) and (H) and (b)(6)(B). The records shall show the results of tests. The records shall also show the dates of performance of, and the names of persons performing,

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physical inventories, testing, installation, servicing and removal from installation of radioactive material or its shielding or containment. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license provided by subsection (b)(1) shall retain these records as follows:

- i) A record of a test of an on-off mechanism and indicator or a test for leakage or contamination performed in accordance with subsection (b)(3)(B) shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of; and
- ii) A record of testing, installation, servicing or removal from installation performed in accordance with subsection (b)(3)(C) shall be retained for 5 years from the date of the recorded event or until the device is transferred or disposed of; and
- iii) A record of transfer or disposal of a device in accordance with subsection (b)(3)(H) shall be retained for 5 years from the date of the recorded event; and

AGENCY NOTE: Note that this record must be retained after transfer of the device.

- iv) A record of a quarterly physical inventory performed in accordance with subsection (b)(6)(B) shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of;
- E) Shall immediately suspend operation of the device if there is a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 Bq (5 nanoCi) or more removable radioactive material. The device shall not be operated until it has been repaired by the manufacturer or other person holding an applicable specific license from the

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Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to repair such devices. The device and any radioactive material from the device shall be disposed of only by transfer to a person authorized by an applicable specific license to receive the radioactive material in the device or as otherwise approved by the Agency. A report containing a brief description of the event and the remedial action taken shall be furnished to the Agency within 30 days. As applicable, the following shall also be furnished to the Agency:

- i) A report within 5 days (as required by 32 Ill. Adm. Code 340.1260) if detection of 185 Bq (5 nanoCi) or more removable radioactive material indicates that a sealed source is leaking or contaminated; and
 - ii) A plan within 30 days for ensuring that the person's premises and environs are acceptable for unrestricted use if 185 Bq (5 nanoCi) or more removable radioactive material is detected on the device or failure of or damage to a source is likely to result in contamination of the premises or the environs;
- F) Shall not abandon the device containing radioactive material;
- G) Shall not export the device containing radioactive material except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008, exclusive of subsequent amendments or editions;
- H) Shall transfer or dispose of the device containing radioactive material only:
- i) By export as provided by subsection (b)(3)(G);
 - ii) By transfer to another general licensee as provided by subsection (b)(3)(L);

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- iii) By transfer to a person authorized to receive the device by a specific license issued by the Agency pursuant to Section 330.280(d) or an equivalent specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State;
 - iv) By transfer to a person authorized to perform waste collection by a specific license issued by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State; or
 - v) As approved under subsection (b)(3)(K);
- I) Shall furnish a written report to the Agency within 30 days after transferring, disposing of or redesignating the device containing radioactive material. The notification shall include:
- i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;
 - ii) The name, address and license number of the transferee (license number not applicable if exported);
 - iii) A receipt from the transferee showing the serial number of the device and the date that it was received (not applicable if exported or redesignated);
- AGENCY NOTE: Subsection (b)(3)(O) of this Section provides information about redesignation of administrative control over a device.
- J) Shall maintain a record of the transfer or disposal of the device as required by subsection (b)(3)(D)(iii);
- K) Shall obtain written approval from the Agency before transferring the device to a transferee not identified in subsections (b)(3)(H)(i) through (iv);

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- L) Shall transfer the device to another general licensee only if:
- i) The device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b), a copy of 32 Ill. Adm. Code 310.40, 310.80, 330.310, 330.500, 340.1210, 340.1220, 340.1260 and any safety documents identified in the device labels; or
 - ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use;
- M) Shall furnish a report to the Agency within 30 days after transferring a device containing radioactive material as provided by subsection (b)(3)(L)(i). The notification shall include:
- i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;
 - ii) The transferee's name and mailing address;
 - iii) The address of the transferee's location of use or storage of the device; and
 - iv) The name, title and phone number of the responsible individual identified by the transferee in accordance with subsection (b)(3)(N) to have knowledge of, and authority to take actions to ensure compliance with, the appropriate regulations and requirements;
- N) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;

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- O) May redesignate a device to be possessed and used under its own specific license without prior approval if the person:
- i) Verifies that the specific license authorizes possession and use of the device or applies for and obtains an amendment to the license authorizing the possession and use;
 - ii) Removes, alters, covers or clearly and unambiguously augments the existing label required by subsection (b)(3)(A) so that the device is labeled in compliance with 32 Ill. Adm. Code 340.910; however, the manufacturer, model number and serial number shall be retained;
 - iii) Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and
 - iv) Reports the new designation as required by subsection (b)(3)(I).
- 4) Any person who receives, acquires, possesses or uses a device identified in subsection (b)(4)(A) shall register with the Agency in accordance with subsection (b)(4)(B):
- A) A person shall register with the Agency if the person receives, acquires, possesses or uses any of the following devices pursuant to the general license described in subsection (b)(1):
- i) Devices (i.e., an ~~an~~ electron capture detector, gauge, or x-ray fluorescence analyzer, or other measuring, gauging or controlling device) containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material, ~~;~~ based on the activity indicated on the label, other than strontium-90, radium-226 or polonium-210; or
 - ii) A device containing a sealed source equal to or greater than 3.7 MBq (100 μ Ci) of strontium-90 or radium-226; ~~or~~

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~~iii) A static control or measuring device containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material other than polonium-210 or radium-226;~~

- B) A person shall register with the Agency no later than 30 days after receiving a device identified in subsection (b)(4)(A). Registration information shall be in a format prescribed by the Agency and furnished in accordance with subsection (b)(4)(C);
- C) When registering with the Agency, a person shall furnish the following and any other information requested by the Agency to track the location and use of a device:
- i) The name and mailing address of the person;
 - ii) The name, title and phone number of the responsible individual designated by the person in accordance with subsection (b)(3)(N) as having knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements;
 - iii) Information about each device meeting the criteria of subsection (b)(4)(A). This information shall include the manufacturer (or initial transferor), model, serial number, radionuclide and activity as indicated on the labels, the location of the device within the radiation installation, and the calendar quarter and year the person received the device;
 - iv) The addresses of the locations of use or storage of the devices reported under subsection (b)(4)(C)(iii);

AGENCY NOTE: For portable devices, these are the addresses of the primary places of storage.

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- v) Certification by the responsible individual that the information about devices was verified through a physical inventory and examination of label information; and
- vi) Certification by the responsible individual that the general licensee is aware of the requirements of the general license;

AGENCY NOTE: Fee requirements for general licenses are in 32 Ill. Adm. Code 331. Reporting requirements are in Section 330.310(b), and bankruptcy notification requirements are in Section 330.310(j).

- D) Any person who is required by subsection (b)(4) to register with the Agency shall report a change in mailing address or address of location of use or storage. This report shall be furnished to the Agency within 30 days after the change.

AGENCY NOTE: For portable devices, this is the address of the primary place of storage.

- 5) A person from out of state who is generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State with respect to a device identified in subsection (b)(4)(A) is exempt from the registration requirement in subsection (b)(4) if the device is used in areas subject to Agency jurisdiction for a period less than 180 days in any calendar year.
- 6) Any person who receives, acquires, possesses or uses radioactive material in a device under the general license described in subsection (b)(1) shall limit storage of a device that is not in use to a maximum of 2 years.
 - A) If a device with a shutter is not being used, the shutter shall be locked in the closed position. Testing for proper operation of the on-off mechanism and indicator is not required during the storage period. However, the on-off mechanism and indicator shall be checked before the device is returned to service if the device has not been tested within the required test interval. Tests for leakage of, or contamination by, radioactive material shall be conducted during the storage interval as required by subsection (b)(3)(B).

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- B) A device kept in standby for future use is exempt from the 2-year storage limit if the person performs a quarterly physical inventory of the device while it is in standby. The requirements and exemption of subsection (b)(6)(A) shall apply.

AGENCY NOTE: Record keeping requirements are contained in subsection (b)(3)(D).

- 7) Failure of any person to comply with the requirements of this subsection (b) may cause the Agency to impose civil penalties in accordance with 420 ILCS 40/36 and 32 Ill. Adm. Code 200.
- 8) The general license described in subsection (b)(1) does not authorize the manufacture of devices containing radioactive material.
- 9) The general license described in subsection (b)(1) is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 326, 331, 340.1210, 340.1220, 340.1260, and 341 and Sections 330.310 and 330.500 of this Part. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (b)(1) of this Section is exempt from the requirements of 32 Ill. Adm. Code 400 and 340 except for the Sections of 32 Ill. Adm. Code 340 specifically identified in subsections (b)(3)(E) and (b)(9) of this Section.
- c) Luminous Safety Devices for Aircraft
- 1) A general license is hereby issued to receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:
- A) Each device contains not more than 370 GBq (10 Ci) of tritium or 11.1 GBq (300 mCi) of promethium-147; and
- B) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or

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assembled in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in 10 CFR 32.53, published at 43 FR 6923, February 17, 1978, exclusive of subsequent amendments or editions.

- 2) Persons who receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection (c)(1) of this Section are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except that they shall comply with the provisions of 32 Ill. Adm. Code 340.1210 and 340.1220.
 - 3) This general license does not authorize the manufacture, assembly or repair of luminous safety devices containing tritium or promethium-147.
 - 4) This general license does not authorize the receipt, acquisition, possession or use of promethium-147 contained in instrument dials.
 - 5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90 and 341 and Sections 330.310, 330.400 and 330.500 of this Part.
- d) Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.
- e) Calibration and References Sources
- 1) A general license is hereby issued to those persons listed below to receive, acquire, possess, use and transfer, in accordance with the provisions of subsections (e)(4) and (5), americium-241 in the form of calibration or reference sources:
 - A) Any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material; and

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- B) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission that authorizes the licensee to receive, possess, use and transfer special nuclear material.
- 2) A general license is hereby issued to receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material.
- 3) A general license is hereby issued to receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material.
- 4) The general licenses in subsections (e)(1) through (3) apply only to calibration or reference sources that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.57, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive of subsequent amendments or additions, or 70.39, published at 43 Fed. Reg. 6925, February 17, 1978, exclusive of subsequent amendments or additions, or that have been manufactured in accordance with the specifications contained in a specific license issued by the Agency, an Agreement State or a former Licensing State pursuant to licensing requirements equivalent to those contained in 10 CFR 32.57, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive of subsequent amendments or additions, or 70.39, published at 43 Fed. Reg. 6925, February 17, 1978, exclusive of subsequent amendments or editions.
- 5) The general licenses provided in subsections (e)(1) through (3) are subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341 and 400 and Sections 330.310, 330.400 and 330.500 of this Part. In addition, persons who receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

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- A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5 μ Ci) of americium-241, 185 kBq (5 μ Ci) of plutonium or 185 kBq (5 μ Ci) of radium-226 in such sources;
- B) Shall not receive, possess, use or transfer such source unless the source or the storage container bears a label that includes the following statement or a statement that contains the information called for in this statement:

The receipt, possession, use and transfer of this source, Model ____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM) (RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

Name of Manufacturer or Importer

AGENCY NOTE: Showing only the name of the appropriate material.

- C) Shall not transfer, abandon or dispose of the source except by transfer to a person authorized by a license from the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to receive the source;

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- D) Shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium or radium-226 that might otherwise escape during storage; and
 - E) Shall not use the source for any purpose other than the calibration of radiation detectors or the standardization of other sources.
- 6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium or radium-226.
- f) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing

AGENCY NOTE: The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

- 1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections (f)(2) through (6), the following radioactive materials in prepackaged units for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:
- A) Carbon-14, in units not exceeding 370 kBq (10 μ Ci) each.
 - B) Cobalt-57, in units not exceeding 370 kBq (10 μ Ci) each.
 - C) Hydrogen-3 (tritium), in units not exceeding 1.85 MBq (50 μ Ci) each.
 - D) Iodine-125, in units not exceeding 370 kBq (10 μ Ci) each.
 - E) Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.

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- F) Iodine-131, in units not exceeding 370 kBq (10 μ Ci) each.
 - G) Iron-59, in units not exceeding 740 kBq (20 μ Ci) each.
 - H) Selenium-75, in units not exceeding 370 kBq (10 μ Ci) each.
- 2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (f)(1) until he or she has filed the Agency form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License", with the Agency and received from the Agency a validated copy of the form with certification number assigned. No person shall transfer a validated copy of the form to another person without prior written consent of the Agency. The following information shall be furnished to the Agency on the form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License":
- A) Name and address of the physician, veterinarian, clinical laboratory or hospital;
 - B) The location of use; and
 - C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (f)(1) and that the tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.
- 3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (f)(1) shall comply with the following:
- A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (f)(1), at any one location of storage, or use a total amount of iodine-125, iodine-131, selenium-75, iron-59 and/or cobalt-57 in excess of 7.4 MBq (200 μ Ci).

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- B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.
 - C) The general licensee shall use the radioactive material only for the uses authorized by subsection (f)(1).
 - D) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.
 - E) The general licensee shall dispose of the mock iodine-125 reference or calibration sources described in subsection (f)(1)(E) as required by 32 Ill. Adm. Code 340.1010(a).
- 4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (f)(1):
- A) Except as prepackaged units that are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57 or mock iodine-125 to persons generally licensed under [this](#) subsection (f) or its equivalent; and
 - B) Unless one of the following statements, as appropriate, or a statement that contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

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This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

Name of Manufacturer or Importer

- 5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (f)(1) shall report in writing to the Agency, any changes in the information furnished by the licensee in the "Certificate – In Vitro Testing with Radioactive Material Under General License", Agency Form KLM.006. The report shall be furnished within 30 days after the effective date of the change.
- 6) This general license is subject to the provisions of 32 Ill. Adm. Code 310 and 331.
- g) Ice Detection Devices
 - 1) A general license is hereby issued to receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 MBq (50 μ Ci) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by

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the Agency or an Agreement State to the manufacturer of the device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.

- 2) Persons who receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (g)(1):
 - A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service those devices; or shall dispose of the device pursuant to the provisions of 32 Ill. Adm. Code 340.1010(a);
 - B) Shall assure that all labels affixed to the device at the time of receipt, and that bear a statement that prohibits removal of the labels, are maintained on the device; and
 - C) Are exempt from the requirements of 32 Ill. Adm. Code 340 and 400 except that such persons shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1210, 340.1220 and 340.1260.
 - 3) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium-90 in ice detection devices.
 - 4) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90 and 341 and Sections 330.310, 330.400 and 330.500 of this Part.
- h) Certain Items and Self-Luminous Products Containing Radium-226
- 1) A general license is hereby issued to any person to acquire, receive, possess, use or transfer, in accordance with the provisions of this subsection (h), radium-226 contained in the following products manufactured prior to November 30, 2007:

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- A) Antiquities originally intended for use by the general public. For the purposes of this subsection (h)(1)(A), antiquities means products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts and healing pads;
 - B) Intact timepieces containing greater than 37 kBq (1 μ Ci), nonintact timepieces and timepiece hands and dials no longer installed in timepieces;
 - C) Luminous items installed in air, marine or land vehicles;
 - D) All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time; and
 - E) Small radium sources containing no more than 37 kBq (1 μ Ci) of radium-226. For the purposes of this subsection (h)(1)(E), "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources such as cloud chambers and spinthariscopes used in educational demonstrations, electron tubes, lightning rods, ionization sources, static eliminators or sources otherwise designated by the Agency.
- 2) Any person who acquires, receives, possesses, uses or transfers radioactive material under the general license in subsection (h)(1) is exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that the receipt, possession, use or transfer of radioactive material is within the terms of the general license. This exemption does not apply to any person specifically licensed under this Part.
- 3) Any person who acquires, receives, possesses, uses or transfers radioactive material in accordance with the general license in subsection (h)(1):
- A) Shall notify the Agency within 30 days if there is any indication of possible damage to a product that could result in loss of radioactive material. The report shall provide a brief description of the event and the remedial action taken;

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- B) Shall not abandon a product containing radium-226. The product and any radioactive material from the product shall only be disposed of in accordance with subsection (h)(3)(D);
 - C) Shall not export a product containing radium-226, except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008, exclusive of subsequent amendments or editions; and
 - D) Shall dispose of a product containing radium-226 only in accordance with 32 Ill. Adm. Code 340.1010(a), or by transfer to a person specifically licensed under this Part to receive the radium-226 in the product, or as otherwise approved by the Agency in writing.
- 4) The general license in subsection (h)(1) does not authorize the manufacture, assembly, disassembly, repair or import of a product containing radium-226, except that timepieces may be disassembled and repaired.

(Source: Amended at 37 Ill. Reg. 7960, effective May 31, 2013)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
140.400	Amendment
140.438	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 29, 2013
- 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 amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 15, 2012; 36 Ill. Reg. 8594
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: In subsection (c) of Section 140.400 replaced everything with the following language:
 - "c) For services rendered on or after June 1, 2013, a practitioner (radiologist) that meets the qualifications for and participates in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be paid for mammography services at the effective Chicago Metropolitan Area Medicare Level established rate (Established Rate). To qualify for this Established Rate, a practitioner shall:
 - 1) Enter into a Supplemental Provider Agreement with the Department; and

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- 2) Provide mammography services to participants in the Department's Medical Programs with the same timeliness as the practitioner provides to patients with other forms of insurance; and
- 3) Within thirty days after submitting the Supplemental Provider Agreement, and annually thereafter on or before August 31, submit a completed radiologist survey, using the Department's survey form; and
- 4) Assist the Department with the development and implementation of improved quality standards and services."

In subsections (e)(1)(A), (e)(1)(B), (e)(2)(B)(ii), (e)(2)(C)(ii), and (e)(3)(B) changed "subsection (d)" to "subsection (e)"

In subsection (c)(8)(A) through (c)(8)(G) of Section 140.438 replaced everything to read as follows:

- "8) For services rendered on or after June 1, 2013, a mammography facility provider that meets the qualifications for and participates in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be paid for mammography services at the effective Chicago Metropolitan Area Medicare Level established rate (Established Rate. To qualify for this Established Rate, a mammography facility provider shall:
 - A) Enter into a Supplemental Provider Agreement with the Department; and
 - B) Provide mammography services to participants in the Department's Medical Programs with the same timeliness as the facility provides to patients with other forms of insurance; and
 - C) Within thirty days after submitting the Supplemental Provider Agreement, and annually thereafter on or before August 31, submit a completed mammography capacity survey, using the Department's survey form; and
 - D) Submit facility-based mammography quality data using the Department's data collection forms; and

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- E) Provide the Department with access to patient and service data upon request; and
- F) Assist the Department with the development and implementation of a plan to improve the quality of services."
- 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 these amendments replace emergency any amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.5	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.642	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.643	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.491	Amendment	36 Ill. Reg. 15425; December 28, 2012
140.2	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.3	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.5	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.11	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.12	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.13	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.14	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.15	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.16	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.18	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.19	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.20	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.30	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.32	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.44	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.45	New	37 Ill. Reg. 1390; February 8, 2013
140.80	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.405	New	37 Ill. Reg. 1390; February 8, 2013
140.413	Amendment	37 Ill. Reg. 1390; February 8, 2013

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140.414	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.417	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.420	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.425	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.428	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.440	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.441	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.442	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.443	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.445	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.449	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.457	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.458	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.469	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.470	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.471	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.472	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.473	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.474	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.477	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.498	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.523	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.Table D	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.Table F	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.402	Amendment	37 Ill. Reg. 4429; April 12, 2013
140.481	Amendment	37 Ill. Reg. 5243; April 26, 2013
140.55	Amendment	37 Ill. Reg. 7078; May 24, 2013

- 15) Summary and Purpose of Amendments: These amendments allow practitioners and imaging centers participating in the Department's Breast Cancer Quality Screening and Treatment Initiative to be reimbursed for mammography services at the Medicare rate. The payments for these services are contingent upon reporting requirements established by the Department and defined in an agreement between the Department and the participating practitioners and imaging centers.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeanette Badrov

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

217/782-1233

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 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 Persons Confined or Detained by the Criminal Justice System

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

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- 140.18 Effect of Termination or Revocation on Persons Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination,
Suspension or Barring
- 140.20 Submittal of Claims
- 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 Sanctioned 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
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 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

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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)
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)

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- 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)
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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. 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

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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; 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

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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; 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, 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,

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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;

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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 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

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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; 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. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective

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August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820,

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effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners

- a) This Section applies to physicians, dentists, Advanced Practice Nurses (APN) (see Section 140.435), optometrists, podiatrists and chiropractors.
 - 1) Practitioners are required to bill the Medical Assistance Program at the same rate they charge patients paying their own bills and patients covered by other third party payers.
 - 2) A practitioner may bill only for services he or she personally provides or which are provided under his or her direct supervision in his or her office by his or her staff. An APN, as described in Section 140.435, may bill only for the services personally provided by the individual APN.
 - 3) Payment will be made only in the practitioner's name or a Department approved alternate payee.
 - 4) Except as described otherwise in this Section, paymentsPayments will be made according to a schedule of statewide pricing screens established by the Department. Covered services provided by qualifying providers under the Maternal and Child Health Program will be reimbursed at enhanced

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rates as described in subsection (b) of this Section. The pricing screens are to be established based on consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average statewide charge. Except as described otherwise in this Section, the upper limit for services shall not exceed the lowest Medicare charge levels.

- b) Practitioners who meet the qualifications for and enter into a Primary Care Provider Agreement for participation in the Maternal and Child Health Program, as described in Subpart G, will receive enhanced reimbursement in accordance with Section 140.930(a)(1).
- c) For services rendered on or after June 1, 2013, a practitioner (radiologist) that meets the qualifications for and participates in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be paid for mammography services at the effective Chicago Metropolitan Area Medicare Level established rate (Established Rate). To qualify for this Established Rate, a practitioner shall:
- 1) Enter into a Supplemental Provider Agreement with the Department; and
 - 2) Provide mammography services to participants in the Department's Medical Programs with the same timeliness as the practitioner provides to patients with other forms of insurance; and
 - 3) Within 30 days after submitting the Supplemental Provider Agreement, and annually thereafter on or before August 31, submit a completed radiologist survey, using the Department's survey form; and
 - 4) Assist the Department with the development and implementation of improved quality standards and services.

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- ~~d~~e) The Department will distribute (initially and upon revision of the amounts) to practitioners the maximum allowable amounts for the most commonly billed procedures codes. Interested individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of Comprehensive Health Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure codes and associated descriptions.
- ~~e~~d) Supplemental payments to universities for certain practitioner services
- 1) Supplemental payments are available for services that are provided by practitioners who are employed by an Illinois public university and are services eligible under Titles XIX and XXI of the Social Security Act.
 - A) For dates of service on or after April 1, 2009, supplemental payment will be made on a quarterly basis as described in this subsection ~~(ed)~~ of this Section.
 - B) Supplemental payments under this subsection ~~(ed)~~ are subject to federal approval.
 - C) Supplemental payments shall be funded through cooperative agreements between the Department and the State university.
 - 2) Definitions
 - A) "Average Commercial Fee Schedule" means the average commercial fee schedule paid to the university for practitioner services, including patient share amounts, for each CPT code. This average shall be based on the participating university's payments from the five largest private insurance carriers for CPT services.
 - B) "Base Period Average Commercial Payment Ceiling" means the following computation:

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- i) Multiplying the Average Commercial Fee Schedule by the number of paid claims provided in the base period and paid to the university for clients eligible under Titles XIX and XXI of the Social Security Act.
 - ii) Summing the products for all procedure codes as described in subsection ~~(ed)(2)(B)(i) of this Section~~.
- C) "Base Period Medicare Equivalent Payment Ceiling" means the following computation:
- i) Multiplying the Medicare allowed rate as reported in the April release of the Resources Based Relative Value Scale (RBRVS), by the number of paid claims provided in the based period and paid to the university for clients eligible under Title XIX or XXI of the Social Security Act.
 - ii) Summing the products for all procedure codes as described in subsection ~~(ed)(2)(C)(B)(i)~~ of this Section.
- D) "Base Period Medicare Equivalent of the Average Commercial Rate" means the Base Period Average Commercial Payment Ceiling divided by the Base Period Medicare Equivalent Payment Ceiling.
- 3) The supplemental payments shall be determined as follows:
- A) The Medicare Equivalent of the Average Commercial Rate for a practitioner service will be determined by multiplying the Base Period Medicare Equivalent of the Average Commercial Rate by the Medicare payment at the non-facility rate per CPT code for the current period.
 - B) The rates determined in subsection ~~(ed)(3)(A) of this Section~~ are multiplied by the number of claims for the current period, as reported through the Medicaid Management Information System, to determine the current period supplemental payment ceiling.

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- C) The supplemental payment to the university shall equal the current period payment ceiling at the Medicare Equivalent of the Average Commercial Rate less all payments otherwise made by the Department for the same services for procedure codes rendered in the current period and paid to the university. These supplemental payments shall be based on all available payments and adjustments on file with the Department at the time the payment amount is determined.
- 4) Periodic Updates to the Base Period Medicare Equivalent of the Average Commercial Rate: The Department shall update this ratio at least every three years.

(Source: Amended at 37 Ill. Reg. 7985, effective May 29, 2013)

Section 140.438 Diagnostic Imaging Services

- a) Payment for diagnostic and imaging services may be made to the following providers that are independent of both a physician's office and a hospital:
 - 1) Imaging Centers that are distinct entities operating primarily for the purpose of providing diagnostic imaging services.
 - 2) Mammography Screening Centers.
 - 3) Portable X-ray Facilities.
 - 4) Independent Diagnostic Testing Facilities (IDTFs) that are a fixed location, a mobile entity, or an individual non-physician practitioner.
- b) Participation Requirements
 - 1) To participate in the Illinois Medical Assistance program, an Imaging Center must, in addition to any other Department requirements, be licensed or certified:
 - A) for participation in the Medicare program; or

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- B) by the Joint Commission ~~on Accreditation of Health Care Organizations (JCAHO)~~; or
 - C) by a state public health department; or
 - D) by any government agency having jurisdiction over the services provided and/or the equipment being used.
- 2) Portable X-ray Facilities shall be approved and certified for participation in the Medicare program.
 - 3) Mammography Screening Centers shall be certified by the Illinois ~~Emergency Management Agency~~ ~~Department of Nuclear Safety~~ or the certifying agency in the state where the center is located.
 - 4) Independent Diagnostic Testing Facilities shall be approved and certified for participation in the Medicare program.
- c) Reimbursement
- 1) Diagnostic and imaging services shall be reimbursed on a fee-for-service basis only.
 - 2) Reimbursement may include the technical services, the professional services or both the technical and professional services.
 - 3) Reimbursement shall be made for only those diagnostic or imaging services that have been ordered in writing by the referring practitioner as being essential to diagnosis and treatment. The practitioner must include the diagnosis or condition on the written request.
 - 4) Reimbursement shall be made only to providers who meet all applicable license, enrollment and reimbursement conditions of the Department.
 - 5) Reimbursement to IDTFs shall be made for only those diagnostic and imaging tests certified by Medicare.

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- 6) Except for mammograms, reimbursement shall not be made for routine screening x-rays.
 - 7) Reimbursement for a mammography facility provider that does not qualify under subsection (c)(8) of this Section shall be the lesser of charges or the Department's fee screen.
 - 8) For services rendered on or after June 1, 2013, a mammography facility provider that meets the qualifications for and participates in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be paid for mammography services at the effective Chicago Metropolitan Area Medicare Level established rate (Established Rate). To qualify for this Established Rate, a mammography facility provider shall:
 - A) Enter into a Supplemental Provider Agreement with the Department; and
 - B) Provide mammography services to participants in the Department's Medical Programs with the same timeliness as the facility provides to patients with other forms of insurance; and
 - C) Within 30 days after submitting the Supplemental Provider Agreement, and annually thereafter on or before August 31, submit a completed mammography capacity survey, using the Department's survey form; and
 - D) Submit facility-based mammography quality data using the Department's data collection forms; and
 - E) Provide the Department with access to patient and service data upon request; and
 - F) Assist the Department with the development and implementation of a plan to improve the quality of services.
- d) Record Requirements
- 1) In addition to the record requirements specified in Section 140.28,

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providers of diagnostic and imaging services must comply with the administrative rules of the Illinois Department of Public Health governing the maintenance of medical records (77 Ill. Adm. Code 450, Illinois Clinical Laboratories Code).

- 2) The basic records that must be retained include:
 - A) Patient identification.
 - B) Medical records containing the dates of service and the name of the referring physician.
 - C) The referring practitioner's written orders.
 - D) Copies of reports to referring practitioners.
 - E) The report of the reading by the professional practitioner if both professional and technical components are billed.
 - F) The report of the reading by the professional practitioner that must be retained in the professional practitioner's office if only the professional component is billed by the practitioner.
 - G) Records that verify usual and customary charges to the general public.
- 3) Medical records for Medical Assistance program clients must be made available to the Department or its designated representative in the performance of audits or investigations.

(Source: Amended at 37 Ill. Reg. 7985, effective May 29, 2013)

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- 1) Heading of the Part: Child Support Services
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: 160.60 Adopted Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 97-0878
- 5) Effective Date of Rulemaking: May 28, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 25, 2013; 37 Ill. Reg. 661
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking clarifies that life insurance premiums are a deductible expense when calculating a responsible relative's net income for child support purposes, if a court has ordered the responsible relative to have life insurance coverage to secure payment of ordered child support in the event of the responsible relative's death. These payments are deductible for child support purposes only, not to cover maintenance (alimony).

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

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

217/782-1233

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

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT SERVICES

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation by Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Fees for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause for Failure to Cooperate with Support Enforcement
- 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
- 160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility
Demonstration Program (Repealed)
- 160.64 Compromise of Assigned Obligations
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

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Section

- 160.70 Enforcement of Support Orders
- 160.71 Credit for Payments Made Directly to the Title IV-D Client
- 160.75 Withholding of Income to Secure Payment of Support
- 160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies (Repealed)
- 160.80 Amnesty – 20% Charge (Repealed)
- 160.85 Diligent Efforts to Serve Process
- 160.88 State Case Registry
- 160.89 Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

- 160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section

- 160.95 State Disbursement Unit
- 160.100 Distribution of Child Support for TANF Recipients
- 160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Services
- 160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
- 160.130 Distribution of Intercepted Federal Income Tax Refunds
- 160.132 Distribution of Child Support for Non-TANF Clients
- 160.134 Distribution of Child Support for Intergovernmental Cases
- 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
- 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section

- 160.140 Quarterly Notice of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

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Section

- 160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

SUBPART I: INTERGOVERNMENTAL IV-D CASES

Section

- 160.200 Provision of Services in Intergovernmental IV-D Cases

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days;

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emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33 Ill. Reg. 9077, effective June 15, 2009; amended at 33 Ill. Reg. 12732, effective September 7, 2009; amended at 34 Ill. Reg. 6809, effective May 1, 2010; amended at 34 Ill. Reg. 15406, effective September 27, 2010; amended at 35 Ill. Reg. 2043, effective January 21, 2011; amended at 35 Ill. Reg. 4513, effective March 1, 2011; amended at 36 Ill. Reg. 1531, effective January 23, 2012; amended at 36 Ill. Reg. 9140, effective June 11, 2012; amended at 37 Ill. Reg. 8017, effective May 28, 2013.

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS**Section 160.60 Establishment of Support Obligations**

- a) Definitions

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- 1) "CSS" means any Child Support Specialist performing assigned duties, his or her supervisory staff and any other person assigned responsibility by the Director of the Department.
- 2) "Service" or "Served" means notice given:
 - A) by personal service, certified mail (with or without return receipt requested) or restricted delivery,
 - B) *by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 447] or by a registered employee of a private detective agency certified under that Act, or*
 - C) *in counties with a population of less than 2,000,000 [305 ILCS 5/10-4], by any method provided by law for service of summons. (See Sections 2-202, 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-202, 2-203 and 2-206].)*
- 3) "Support Statutes" means the following:
 - A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
 - B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
 - C) The Non-Support Punishment Act [750 ILCS 16];
 - D) The Uniform Interstate Family Support Act [750 ILCS 22];
 - E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
 - F) Any other statute in another state that provides for child support.
- 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.
- 5) "Child's needs" means:

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- A) the custodial parent's statement of the associated costs, including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or
 - B) the State's current minimum hourly wage multiplied by 40 hours per work week, multiplied by 4.3 weeks per month, multiplied by the applicable child support guideline percentage contained in subsection (c)(1) of this Section.
- b) Responsible Relative Contact
- 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
 - B) The purpose of contact and interview shall be to obtain relevant facts, including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.
 - 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;

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- D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 - E) that the responsible relative should bring specified information regarding his income and resources to the interview.
- 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.
- c) Determination of Financial Ability
- 1) In cases handled under subsection (d) of this Section, the CSS shall determine the amount of child support and enter an administrative support order on the following basis:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;

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- v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health;
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts; and
 - xi) Foster care payments paid by the Department of Children and Family Services for providing licensed foster care to a foster child.
- B) The deductions in subsections (c)(1)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- 2) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%
4	40%

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5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums [and premiums for life insurance ordered by the court to reasonably secure payment of ordered child support](#);
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(2)(A)(viii), (ix) and (x) of this

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Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of such payment period.

- C) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- i) the financial resources and needs of the child;
 - ii) the financial resources and needs of the custodial parent;
 - iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - iv) the physical and emotional condition of the child, and his educational needs; and
 - v) the financial resources and needs of the non-custodial parent.
- D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 3) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the amount of child support due in accord with Section 505 and medical support in accordance with Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].
- 4) All orders for support shall include a provision for the health care coverage of the child. In all cases where health insurance coverage is not

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being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter, support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health insurance coverage is being provided. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.

- 5) In cases where the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) of this Section when the IV-D client requests that such an order for retroactive support be entered or requested.
- 6) The final order in all cases shall state the support level in dollar amounts.
- 7) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- 8) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:

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- A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;
 - D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
 - E) if so, the policy name and number and the names of persons covered under the policy.
- 9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- 10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a statement that if there is an unpaid arrearage or delinquency equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency.
- 11) At the request of the IV-D client, the Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support, as follows:
- A) In cases handled under subsection (d) of this Section, the

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Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties' separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock).

- B) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases where the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.
 - C) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].
- d) Administrative Process
- 1) Use of Administrative Process
 - A) Unless otherwise directed by the Department, the CSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
 - i) presumed paternity as set forth in Section 5 of the Illinois

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Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;

- ii) alleged paternity and support is sought from the mother;
- iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
- iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and
- v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.

B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:

- i) that the responsible relative may be required to pay retroactive support as well as current support; and
- ii) that in its initial determination of child support under subsection (c) of this Section, the Department will only consider factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and
- iii) that the Department will enter an administrative support order based only on those factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and
- iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within

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30 days after mailing or delivery of the administrative support order; and

- v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order, at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]; and
 - vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and
 - vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The CSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. When requested by the IV-D client, the CSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section. The CSS shall reduce the total amount of retroactive support determined by the amount of cash contributions made by the responsible relative to the IV-D client for the benefit of the child during the retroactive

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period as specified in the IV-D client's affidavit of direct contribution. In no event shall credit be given in excess of the total amount of the retroactive support determined.

- 3) Failure to Appear
 - A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the CSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5) of this Section. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.
 - B) The CSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the CSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or
 - ii) income exceeds that reported by the relative.
 - C) The CSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.
 - D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to

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subsection (d)(3)(B) of this Section, the CSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1) of this Section.

- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].
- 5) An administrative support order shall include the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) any provision for health insurance coverage ordered under subsection (c)(4) of this Section;
 - E) a provision for retroactive support ordered under subsection (c)(11), including the total retroactive support obligation and the beginning date, amount (that shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;
 - F) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (that shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;

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- G) a provision requiring that support payments be made to the State Disbursement Unit;
 - H) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2) of this Section, except that for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accord with provisions of the Administrative Review Law [735 ILCS 5/Art III];
 - I) except where the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) of this Section and that in order to have the Department consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
 - J) in each administrative support order entered or modified on or after January 1, 2002, a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of nine percent per annum.
- 6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same

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manner as prescribed in Section 160.75.

- 7) The Department shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days after entry of such order, by:
 - A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgment of receipt signed by the client or relative or a written statement identifying the place, date and method of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person.
 - B) regular mail to the party not receiving personal delivery where the relative fails or refuses to accept delivery, where either party does not attend the interview, or the orders are entered by default.
 - 8) In any case where the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process.
 - 9) In any case in which an administrative support order is entered to establish and enforce an arrearage only, and the responsible relative's current support obligation has been terminated, the administrative support order shall require the responsible relative to pay a periodic amount equal to the terminated current support amount until the arrearage is paid in full.
- e) Judicial Process
- 1) The Department shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined

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administratively under Section 160.61), when the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D) of this Section, and as otherwise determined by the Department.

- 2) The Department shall prepare and transmit pleadings and obtain or affix appropriate signature thereto, which pleadings shall include, but not be limited to, petitions to:
 - A) intervene;
 - B) modify;
 - C) change payment path;
 - D) establish an order for support;
 - E) establish retroactive support when the IV-D client requests it;
 - F) establish past-due support;
 - G) establish parentage;
 - H) obtain a rule to show cause;
 - I) enforce judicial and administrative support orders; and
 - J) combinations of the above.
- 3) Department legal representatives shall request that judicial orders for support require payments to be made to the State Disbursement Unit in accordance with Section 10-10.4 of the Illinois Public Aid Code [305 ILCS 5/10-10.4], Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/507.1], Section 320 of the Uniform Interstate Family Support Act [750 ILCS 22/320], Section 21.1 of the Illinois Parentage Act of 1984 [750 ILCS 45/21.1] and Section 25 of the Non-Support Punishment Act [750 ILCS 16/25].

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- f) Petitions for Release from Administrative Support Orders – Extraordinary Remedies
- 1) Notwithstanding the statements required by subsections (d)(5)(H) and (d)(5)(I) of this Section, more than 30 days after the entry of an administrative support order under subsection (d) of this Section, a party aggrieved by entry of an administrative support order may petition the Department for release from the order on the same grounds as are provided for relief from judgments under Section 2-1401 of the Code of Civil Procedure.
 - 2) Petitions under this subsection (f) must:
 - A) cite a meritorious defense to entry of the order;
 - B) cite the exercise of due diligence in presenting that defense to the Department;
 - C) be filed no later than two years following the entry of the administrative support order, except that times listed below shall be excluded in computing the two years:
 - i) time during which the person seeking relief is under legal disability;
 - ii) time during which the person seeking relief is under duress;
 - iii) time during which the ground for relief is concealed from the person seeking relief;
 - D) be supported by affidavit or other appropriate showing as to matters not supported by the record.
 - 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent, caretaker or responsible relative by certified mail, return receipt requested, or by any manner provided by law for service of process. The filing of a petition under this subsection (f) does not affect the validity of the administrative support order.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 37 Ill. Reg. 8017, effective May 28, 2013)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Imaging Products
- 2) Code Citation: 20 Ill. Adm. Code 1298
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1298.10	Amendment
1298.20	Amendment
1298.30	Amendment
1298.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]
- 5) Effective Date of Rulemaking: June 3, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 1585; February 8, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 1298.30(1), add "the notarized" before "permission".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? The changes recommended by JCAR have been made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The proposed amendments will update the requirements and procedures for obtaining imaging products from the Department of

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

State Police. Obsolete items are being removed and fees are being changed to reflect technology updates.

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

Ms. Suzanne L. Y. Bond
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

217/782-9356

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

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1298
IMAGING PRODUCTS

Section

1298.10	Introduction
1298.20	Definitions
1298.30	Request Procedures
1298.40	Fees

AUTHORITY: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 27 Ill. Reg. 10315, effective June 26, 2003; amended at 37 Ill. Reg. 8041, effective June 3, 2013.

Section 1298.10 Introduction

The Department of State Police, in the context of its powers and duties, captures and produces ~~photographic~~ photographs and images in a variety of formats. Individuals and other entities often desire to obtain copies of these imaging products. This Part is intended to establish the requirements and procedures for obtaining imaging products from the Department.

(Source: Amended at 37 Ill. Reg. 8041, effective June 3, 2013)

Section 1298.20 Definitions

"Department" means the Illinois Department of State Police.

"Graphic Image" means any image, including, but not limited to, those depicting a nude human body; autopsy or post-mortem images; a body with severe lacerations or injuries; or other similar image the release of which a reasonable person would find constitutes an unwarranted invasion of personal privacy.

"Imaging Products" means any visual image on film, paper, or electronic media produced by Department of State Police personnel. These may include, but are

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

not limited to, photographic images, whether digital or non-digital, still digital images, video images, instant print images, visual computer images, computer-generated illustrative images, charts, schematics, data collection files whether in raw or processed form, diagrams, images drawn by hand, machine or computer-generated images, and computer animations.

"Requester" means a person or other entity that requests imaging products from the Department.

(Source: Amended at 37 Ill. Reg. 8041, effective June 3, 2013)

Section 1298.30 Request Procedures

- a) A requester shall complete an Imaging Request Form for each imaging product request.
- b) Each request shall include the appropriate fee established in Section 1298.40, for the particular image product requested request. The payment of fees, established in Section 1298.40, shall will be made by certified check, money order, or personal check made payable to the State Police Services Fund; cash will not be accepted.
- c) The Department shall not process the request until receipt of a correctly completed Imaging Request Form and the appropriate fees.
- d) Each request will be valid for 30 calendar days from the date the request form was sent to the requester. Once this period has expired, the request shall be null and void, and a new request form must be submitted.
- e) All imaging products, excluding digital or non-digital photographic images, shall be provided in a printed or digital format.
- f) Those requested images provided without a subpoena shall have all graphic images redacted.
- g) All photographic images, whether digital or non-digital, shall be provided in the form of a 4 x 6 inch photograph. Each still image request shall also include a CD-ROM or DVD containing copies of the printed digital images.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- h) Each request for photographic images will include all images, whether digital or non-digital, contained within the related case file; therefore, the costs associated with each request shall be dependent upon the total number of images contained within the case file or remaining images after redacting has been completed.
- i)d) AllThe requested imaging products shall be sent by U.S. Mail to the requester unless other arrangements are made and paid for by the requester.
- j)e) The requester shall not reproduce, license, sell, or further distribute imaging products obtained without the written consent of the Department.
- k)f) The processing of requests shall be delayed or suspended when Department imaging resources are needed for law enforcement purposes.
- l)g) In the event release of an image would constitute an unwarranted invasion of the personal privacy due to the manner in which an individual is portrayed in the image, the image will not be released except as required by law or with the notarized permission of the individual or the individual's representative.

(Source: Amended at 37 Ill. Reg. 8041, effective June 3, 2013)

Section 1298.40 Fees

The fees will reflect the costs incurred to acquire, maintain, and reproduce the particular imaging products. Fees received shall be deposited in the State Police Services Fund or as otherwise legally required. The fees shall be as follows:

- a) 4x6 inch photograph – \$56 each
- b) 8x10 inch photograph – \$12 each
- e) 8.5x11 inch color index page (up to nine images per page) – \$10 each
- b)d) video tape – \$20 each
- e) 8.5x11 inch diagram or illustration – \$10

DEPARTMENT OF STATE POLICE

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- c) 36x48 inch diagram or illustration – \$85
- d) animations – \$40 per second of finished animation
- e) total station electronic data – \$20
- f) redacting of graphic images
- | | | |
|-----|--|-------------|
| 1) | <u>case files containing 1-150 images</u> | <u>\$5</u> |
| 2) | <u>case files containing 151-300 images</u> | <u>\$10</u> |
| 3) | <u>case files containing 301-450 images</u> | <u>\$15</u> |
| 4) | <u>case files containing 451-600 images</u> | <u>\$20</u> |
| 5) | <u>case files containing 601-750 images</u> | <u>\$25</u> |
| 6) | <u>case files containing 751-900 images</u> | <u>\$30</u> |
| 7) | <u>case files containing 901-1050 images</u> | <u>\$35</u> |
| 8) | <u>case files containing 1051-1300 images</u> | <u>\$40</u> |
| 9) | <u>case files containing 1301-1450 images</u> | <u>\$45</u> |
| 10) | <u>case files containing more than 1451 images</u> | <u>\$50</u> |
- h) ~~CD-ROM images – \$20 per disc plus \$.60 per megabyte of file size~~

(Source: Amended at 37 Ill. Reg. 8041, effective June 3, 2013)

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 May 29, 2013 through June 3, 2013. The rulemakings are scheduled for review at the Committee's June 11, 2013 and July 9, 2013 meetings. 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>
7/11/13	<u>Department of Healthcare and Family Services, Children's Health Insurance Program (89 Ill. Adm. Code 125)</u>	4/12/13 37 Ill. Reg. 4420	6/11/13
7/11/13	<u>Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)</u>	4/12/13 37 Ill. Reg. 4429	6/11/13
7/11/13	<u>Department of Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)</u>	4/12/13 37 Ill. Reg. 4455	6/11/13
7/12/13	<u>Department of Financial and Professional Regulation, Illinois Credit Union Act (38 Ill. Adm. Code 190)</u>	7/27/12 36 Ill. Reg. 11777	7/9/13
7/13/13	<u>Department of Commerce and Economic Opportunity, Illinois Film Production Services Tax Credit Program (14 Ill. Adm. Code 538)</u>	7/13/12 36 Ill. Reg. 9823	7/9/13
7/13/13	<u>Department of Commerce and Economic Opportunity, Illinois Live Theater Production Tax Credit Program (14 Ill. Adm. Code 532)</u>	7/13/12 36 Ill. Reg. 9841	7/9/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/14/13

Capital Development Board, Illinois Energy
Conservation Code (71 Ill. Adm. Code 600)

3/15/13

37 Ill. Reg.
2748

7/9/13

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency (Illinois EPA) Bureau of Air is accepting public comment on the submittal of a rule adopted by the Illinois Pollution Control Board (Board) to the United States Environmental Protection Agency (USEPA) as a revision to the Illinois State Implementation Plan (SIP) under the Clean Air Act (CAA), 42 USC 7401 *et seq.* The rule, entitled, “*10-Year Federally Enforceable State Operating Permits ("FESOP"): Amendments to 35 Ill. Adm. Code 201.162 (R10-21)*” is for the purpose of extending the time that the Illinois EPA may grant FESOPs from 5 to 10 years. In order for a rule to be considered for approval as a revision to the SIP, the State must submit it in accordance with the requirements of 40 Code of Federal Regulations (CFR) 51.104.

On April 20, 2010, the Illinois EPA submitted a regulatory proposal to amend 35 Ill. Adm. Code 201.162, to allow the Illinois EPA to grant FESOPs for up to 10 years: In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP): Amendments to 35 Ill. Adm. Code Section 201.162 (R10-21). On November 18, 2010, the Pollution Control Board adopted the proposed rulemaking. Section 201.162 is an approved rule of the Illinois SIP. Accordingly, since the regulatory proposal amended this Section, the amendment must be submitted to the USEPA for approval as a revision to Illinois’ SIP.

The Illinois EPA will accept written comments from the public. The written comments must be postmarked by July 15, 2013, unless a public hearing is requested. Comments and requests for hearing should be mailed to:

Dean Studer, Hearing Officer
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Telephone: 217/558-8280 or TDD: 217/782-9143

If a timely request for a public hearing is received by July 15, 2013, a public hearing will be scheduled through a separate notice and held to receive comments regarding the proposed SIP revision. If a public hearing is conducted, the written public comment period will be extended as provided for in the separate notice.

If no request for a public hearing is received by the Illinois EPA by U.S. Mail, carrier mail, or hand delivered by July 15, 2013, no hearing will be scheduled. If such a hearing is scheduled, verification of the public hearing will be posted by July 30, 2013 on the Illinois EPA's website at <http://www.epa.state.il.us/public-notices/>. Interested persons may also contact Dean Studer, the

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Illinois EPA's Hearing Officer, at the phone number listed above to inquire as to the status of a public hearing.

Copies of the proposed SIP revision may be viewed by the public on Illinois EPA's website at <http://www.epa.state.il.us/public-notices/> or during regular business hours (Monday through Friday 8:30 a.m. until 4:30 p.m, except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield, Illinois; 9511 W. Harrison St., Des Plaines, Illinois; and 2009 Mall Street, Collinsville, Illinois. No walk-in requests for copies of this material will be accommodated unless advance notice is provided. Requests and public inquiries should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed above.

If a hearing request is received, the hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Informational and Quasi-Legislative Public Hearings," set forth at 35 Ill. Adm. Code 164. This notice is intended to satisfy the requirements of Section 110(l) of the CAA (42 USC 7410(l) (public notice for SIP revisions)).

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 37, Issue 24 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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