
ILLINOIS

REGISTER



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October 9, 2020 Volume 44, Issue 41

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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 2020

Issue#	Rules Due Date	Date of Issue
1	December 23, 2019	January 3, 2020
2	December 30, 2019	January 10, 2020
3	January 6, 2020	January 17, 2020
4	January 13, 2020	January 24, 2020
5	January 21, 2020	January 31, 2020
6	January 27, 2020	February 7, 2020
7	February 3, 2020	February 14, 2020
8	February 10, 2020	February 21, 2020
9	February 18, 2020	February 28, 2020
10	February 24, 2020	March 6, 2020
11	March 2, 2020	March 13, 2020
12	March 9, 2020	March 20, 2020
13	March 16, 2020	March 27, 2020
14	March 23, 2020	April 3, 2020
15	March 30, 2020	April 10, 2020
16	April 6, 2020	April 17, 2020
17	April 13, 2020	April 24, 2020
18	April 20, 2020	May 1, 2020
19	April 27, 2020	May 8, 2020
20	May 4, 2020	May 15, 2020
21	May 11, 2020	May 22, 2020
22	May 18, 2020	May 29, 2020

23	May 26, 2020	June 5, 2020
24	June 1, 2020	June 12, 2020
25	June 8, 2020	June 19, 2020
26	June 15, 2020	June 26, 2020
27	June 22, 2020	July 6, 2020
28	June 29, 2020	July 10, 2020
29	July 6, 2020	July 17, 2020
30	July 13, 2020	July 24, 2020
31	July 20, 2020	July 31, 2020
32	July 27, 2020	August 7, 2020
33	August 3, 2020	August 14, 2020
34	August 10, 2020	August 21, 2020
35	August 17, 2020	August 28, 2020
36	August 24, 2020	September 4, 2020
37	August 31, 2020	September 11, 2020
38	September 8, 2020	September 18, 2020
39	September 14, 2020	September 25, 2020
40	September 21, 2020	October 2, 2020
41	September 28, 2020	October 9, 2020
42	October 5, 2020	October 16, 2020
43	October 13, 2020	October 23, 2020
44	October 19, 2020	October 30, 2020
45	October 26, 2020	November 6, 2020
46	November 2, 2020	November 13, 2020
47	November 9, 2020	November 20, 2020
48	November 16, 2020	November 30, 2020
49	November 23, 2020	December 4, 2020
50	November 30, 2020	December 11, 2020
51	December 7, 2020	December 18, 2020
52	December 14, 2020	December 28, 2020

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.252 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: PA 101-103 states that the maximum benefit levels provided to the Temporary Assistance for Needy Families (TANF) recipients shall increase annually and will be equal to at least 30% of the most recent federal poverty level guidelines. This rulemaking increases and structures payment levels (i.e. grant amounts) for the TANF program.
- 6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas.

The full text of the Proposed Amendment is identical to that of the Emergency Amendment for this rulemaking, and begins in this issue of the *Illinois Register* on page 16513.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
 - 2) Code Citation: 23 Ill. Adm. Code 1
 - 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1.430	Amendment
1.440	Amendment
 - 4) Statutory Authority: 105 ILCS 5/27-3, 27-3.10, 27-4, and 27-22
 - 5) A Complete Description of the Subjects and Issues Involved: This Part is being modified to alleviate any confusion regarding the instruction and required assessment on American patriotism and the principals of representative government in elementary schools and high schools. Section 27-3 of the School Code requires the instruction of American patriotism and the principals of representative government in all public schools and prohibits a student from graduating without passing an examination on those subjects. Currently, Section 1.430 requires a passage of the examination for both eighth-grade graduation and high school graduation. The agency determined in 2016 that the examination requirement applies only to high school graduation and that a student is required to only take the examination once, regardless of grade level (i.e., the student may take the examination in eighth grade to satisfy the high school graduation requirement). Since this determination, the agency has issued guidance for clarity in the field, but the administrative rules were never updated. This rulemaking will clarify the issue so that it is consistent with agency and school district practice. The rules are also updated to reflect the civics education mandate in both middle school and high school.
 - 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
 - 7) Will this rulemaking replace any emergency rule currently in effect? No
 - 8) Does this rulemaking contain an automatic repeal date? No
 - 9) Does this rulemaking contain incorporations by reference? No
 - 10) Are there any other rulemakings pending on this Part? Yes
- | | | |
|-------------------------|--------------------------|-------------------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> | <u>Illinois Register Citations:</u> |
| 1.97 | Amendment | 44 Ill. Reg. 10322; June 19, 2020 |

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1.30	Amendment	44 Ill. Reg. 12073; July 4, 2020
1.210	Amendment	44 Ill. Reg. 12073; July 4, 2020
1.323	New Section	44 Ill. Reg. 12073; July 4, 2020
1.325	New Section	44 Ill. Reg. 12073; July 4, 2020
1.421	New Section	44 Ill. Reg. 12073; July 4, 2020
1.422	Amendment	44 Ill. Reg. 12073; July 4, 2020
1.425	Amendment	44 Ill. Reg. 12073; July 4, 2020
1.20	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.77	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.245	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.465	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.705	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.710	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.720	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.730	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.735	Repealed	44 Ill. Reg. 14484; September 11, 2020
1.736	Repealed	44 Ill. Reg. 14484; September 11, 2020
1.737	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.740	Repealed	44 Ill. Reg. 14484; September 11, 2020
1.745	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.750	Repealed	44 Ill. Reg. 14484; September 11, 2020
1.755	Repealed	44 Ill. Reg. 14484; September 11, 2020
1.780	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.781	Amendment	44 Ill. Reg. 14484; September 11, 2020
1.790	Amendment	44 Ill. Reg. 14484; September 11, 2020
1. Appendix A	Amendment	44 Ill. Reg. 14484; September 11, 2020
1. Appendix I	New Section	44 Ill. Reg. 14484; September 11, 2020

11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

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

Azita Kakvand
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

217/782-6510
rules@isbe.net

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

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

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

SUBPART B: SCHOOL GOVERNANCE

Section

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

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

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

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

SUBPART E: SUPPORT SERVICES

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Emergency Medications in Schools: Epinephrine; Opioid Antagonists; Asthma Medication

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

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

SUBPART G: STAFF QUALIFICATIONS

Section

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

ILLINOIS STATE BOARD OF EDUCATION

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- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher
- 1.792 Short-Term Substitute Teacher
- 1.794 Substitute Teachers; Recruiting Firms

- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B Competency-Based High School Graduation Requirements Pilot Program Criteria for Review
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)
- 1.APPENDIX H Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate

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

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

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at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. 10213, effective August 30, 2019; amended at 43 Ill. Reg. 10718, effective September 11, 2019; amended at 43 Ill. Reg. 13324, effective October 29, 2019; emergency amendment at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days; emergency amendment to emergency rule at 43 Ill. Reg. 14941, effective December 4, 2019, for the remainder of the 150 days; emergency amendment to amended emergency rule at 44 Ill. Reg. 4085, effective February 25, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 1929, effective January 13, 2020; amended at

ILLINOIS STATE BOARD OF EDUCATION

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44 Ill. Reg. 6377, effective April 9, 2020; emergency amendment at 44 Ill. Reg. 7971, effective April 27, 2020, for a maximum of 150 days; emergency expired September 23, 2020; emergency amendment at 44 Ill. Reg. 8382, effective May 1, 2020, for a maximum of 150 days; emergency expired September 27, 2020; amended at 44 Ill. Reg. 9961, effective May 21, 2020; emergency amendment at 44 Ill. Reg. 13498, effective July 31, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.430 Additional Criteria for Elementary Schools

- a) A district shall provide the following coordinated and supervised courses of study. The time allotment, unless specified by the School Code or applicable rules, is the option of the local board of education.
 - 1) Language Arts, Reading and other Communication Skills
 - 2) Science
 - 3) Mathematics
 - 4) Social Studies
 - 5) Music
 - 6) Art
 - 7) Health Education (see the Critical Health Problems and Comprehensive Health Education Act)
 - 8) Physical Education (see Section 27-6 of the School Code)
 - 9) Career Education – Awareness and Exploration
 - 10) Safety Education (see Section 27-17 of the School Code)
 - 11) Conservation of Natural Resources (see Section 27-13.1 of the School Code)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 12) *Instruction, study, and discussion in grades kindergarten through 8 of effective methods for the prevention and avoidance of drug and substance abuse (Section 27-13.2 of the School Code)*

13) *Civics education (see Section 27-3.10 of the School Code)*

- b) *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the 7th and 8th grade or the equivalent; ~~and no student shall receive a certificate of graduation without passing an examination on these subjects~~ (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/~~27-3 and 27-4~~]).*
- c) *No student shall be graduated from the 8th grade unless he or she has received the instruction in the history of the United States required by subsection (b) and has given evidence of comprehensive knowledge of that~~the~~ subject (Section 27-21 of the School Code), which may include, without limitation, a written test or the teacher's evaluation of the student's work.*

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 1.440 Additional Criteria for High Schools

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

- a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by the School Code or applicable rules, is the option of the local school district.
- 1) Language Arts
 - 2) Science
 - 3) Mathematics

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 4) History of the United States
 - 5) Foreign Language
 - 6) Music
 - 7) Art
 - 8) Career and Technical Education – Orientation and Preparation
 - 9) Health Education (see the Critical Health Problems and Comprehensive Health Education Act)
 - 10) Physical Education (see Section 27-6 of the School Code)
 - 11) Consumer Education (see Section 27-12.1 of the School Code)
 - 12) Conservation of Natural Resources (see Section 27-13.1 of the School Code)
 - 13) Driver and Safety Education (see the Driver Education Act [105 ILCS 5/27-24 through 27-24.10] and 23 Ill. Adm. Code 252)
- b) Required Participation
- 1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.
 - 2) Appropriate activity related to physical education shall be required as provided for by Section 27-6 of the School Code. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated. See Section 1.425 for additional requirements that apply to the provision of physical education instruction.
 - 3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12.

ILLINOIS STATE BOARD OF EDUCATION

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- 4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code)
 - 5) Each student shall be required to complete one semester in civics, which shall focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process. (Section 27-22(e)(5) of the School Code)
- c) Specific Requirements for Graduation. A "unit" is the credit accrued for a year's study or its equivalent. A student may be permitted to retake a course that he or she has already successfully completed (for example, to earn a better grade). However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward fulfillment of the State requirements for graduation.
- 1) Each student shall be required to have accrued at least 16 units in grades 9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) *No student shall receive certification of graduation without passing an examination on the subjects discussed in subsection (b)(4).*
 - 2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter grade 9 and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.
 - 3) Credits earned by students prior to entry into grade 9 as authorized by Section 27-22.10 of the School Code may be used to fulfill any of the requirements of subsection (c)(2) of this Section.
- d) School districts shall have on file in the local district office a description of all

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course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.

1) "Writing-Intensive" Courses

The course description for a "writing-intensive" course will be accepted for purposes of Section 27-22 of the School Code if:

- A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;
- B) writing assignments will be an integral part of the course's content across the time span covered by the course;
- C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:
 - i) students' writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the writing standards for those grades enumerated in the Illinois Learning Standards for English Language Arts and Literacy in History/Social Studies, Sciences, and Technical Subjects (see Appendix D); and
 - ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating and using information;
- D) The writing-intensive study provided in at least one writing-intensive course is designed to address and integrate the elements of the writing process and to refine or apply research skills.

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- 2) Foreign Language Courses
The description for any foreign language course shall indicate whether the school district will award a State Seal of Biliteracy in accordance with the requirements of Section 1.442 of this Part and Section 2-3.159 of the School Code and state the qualifications for receipt of the seal.
- 3) Advanced Placement Computer Science Course
The description for an Advanced Placement Computer Science course shall indicate that the course is *equivalent to a high school mathematics course and qualifies as a mathematics-based, quantitative* course for purposes of the fulfillment of State graduation requirements in mathematics. (Section 27-22(f-5) of the School Code)
- e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.
- f) Additional requirements for graduation may be adopted by local boards of education.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Graduation Incentive Grants
- 2) Code Citation: 23 Ill. Adm. Code 1002
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1002.10	Repealed
1002.20	Repealed
1002.30	Repealed
1002.40	Repealed
1002.50	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 9.28 of the Board of Higher Education Act [110 ILCS 205/9.28].
- 5) Effective Date of Repealer: September 22, 2020
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? The rulemaking does not include incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted repealer is on file in the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 10840; June 26, 2020
- 10) Has JCAR issued a Statement of Objection to this repealer? 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? None were made.
- 13) Will this repealer replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: The original implementing and authorizing legislation was repealed in PA 101-149. There are no recipients of awards from this program who would continue to be governed by this rule.
- 16) Information and questions regarding this adopted repealer shall be directed to:

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 1) Heading of the Part: Employee Ethics and Conflict of Interest
- 2) Code Citation: 89 Ill. Adm. Code 437
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
437.10	Amendment
437.20	Amendment
437.30	Amendment
437.40	Amendment
437.50	Amendment
437.60	Amendment
437.70	Amendment
437.80	Amendment
437.90	Amendment
- 4) Statutory Authority: 5 ILCS 420
- 5) Effective Date of Rules: September 28, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rules is on file in the Agency's principal office and is available for inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 13853; December 6, 2019.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 437.20 Definitions of Personal relationship was amended because of an agreement with JCAR and now it reads as follows:

"Personal relationship" means related by blood, marriage, civil union or adoption, or that a DCFS employee currently has or previously had a social, business or other relationship that has the potential to influence or affect the DCFS employee's objectivity or judgement

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when performing a task directly involving the person with whom he or she has a personal relationship.

Section 437.40 Prohibition of Employee Conflicts of Interest (d)(1) was amended so existing/original language would not be removed and added minor revisions that were agreed with JCAR as shown below:

Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related to serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the DCFS Ethics Officer when the aggregate amount exceeds \$200, or any limit contained in the Act or any Executive Order (whichever is more stringent) within a calendar year for service on a single board of directors or professional advisory committee.

Section 437.40 Prohibition of Employee Conflicts of Interest (f)(2) now reads:

The value of the tokens accepted from a single source shall not exceed the annual amount allowed by \$200, or any limit contained in the Act or Executive Order, whichever is more stringent per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service. Any employee receiving tokens that cause the employee to exceed \$200, or the aggregate amount in the Act or Executive Order, regardless of source, during a single fiscal year shall notify the DCFS Ethics Officer, in writing, within 30 days after receiving the token or tokens that exceed the allowable limit.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments implement updated definition for familial relationship due to Executive Order 2018-12, Eliminate Nepotism in State Government. Amendments to conditions for secondary and future employment, clarification to the DCFS Ethics Officer responsibilities and the gift ban. Also, the

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amendments incorporate OIG 239-240 and OIG 08-1929 Office of Inspector General Recommendations.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
DCFS.Policy@illinois.gov

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER f: GENERAL ADMINISTRATION

PART 437

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

Section

- 437.1 Purpose (Repealed)
- 437.2 Definitions (Repealed)
- 437.3 Department Statutory Responsibilities (Repealed)
- 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)
- 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)
- 437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)
- 437.7 Requirements of the Governmental Ethics Act (Repealed)
- 437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)
- 437.9 Violations of Part 437 (Repealed)
- 437.10 Purpose
- 437.20 Definitions
- 437.30 DCFS Ethics Officer~~Department Statutory Responsibilities~~
- 437.40 Prohibition of Employee Conflicts of Interest~~Interests and Conduct Creating Impropriety or the Appearance of Impropriety~~
- 437.50 Conflict Prohibitions Under the Illinois Procurement Code
- 437.60 Requirements of the Illinois Governmental Ethics Act
- 437.70 Prohibition of Employee Conflicts in the Placement and Care of Children
- 437.80 Requirements of the State Officials and Employees Ethics Act~~Executive Order #3 (1977)~~
- 437.90 Employee Conflict of Interest Violations ~~of Part 437~~

AUTHORITY: Implementing and authorized by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5]; Section 4 of the Children and Family Services Act [20 ILCS 505]; Article 50 of the Illinois Procurement Code [30 ILCS 500], and the State Officials and Employees Ethics Act [5 ILCS 430].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective

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May 1, 1995; emergency amendment at 21 Ill. Reg. 11593, effective August 15, 1997, for a maximum of 150 days; emergency amendment modified in response to JCARE Objection at 21 Ill. Reg. 14096; emergency expired January 12, 1998; amended at 22 Ill. Reg. 5484, effective March 16, 1998; amended at 22 Ill. Reg. 21306, effective December 15, 1998; amended at 44 Ill. Reg. 16418, effective September 28, 2020.

Section 437.10 Purpose

The purpose of this Part is to define child welfare ethics and provide rules regarding ~~prohibit all~~ employee ~~conflicts of interest~~ impropriety and the appearance of any impropriety. This Part applies to the conduct of Department employees executing their employment duties, and employee ~~act~~ conduct in relationship to any entity ~~that which~~ is licensed or regulated by the Department of Children and Family Services or ~~that which~~ provides services for the Department pursuant to a grant, contract, or purchase of service agreement from or with the Department ~~and families with whom the Department has adoption assistance agreements.~~

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.20 Definitions

"Act" means the State Officials and Employees Ethics Act [5 ILCS 430].

"Business relationship" means an association between individuals or companies, entered into for commercial purposes, and sometimes formalized with legal contracts or agreements. Many employees maintain a friendly business relationship with an extensive network of other executives, business people, and contractors that they can call upon for advice or for other business purposes.

"Child care facility," as used in this Part, means a "facility for child care" as defined by the Child Care Act of 1969 [225 ILCS 10/2.05], and includes any child care institution, child welfare agency, day care center, part-day child care facility, day care agency, group home, foster family home, day care home, group day care home, transitional or independent living arrangement, residential or youth emergency shelter. ~~The term "foster family home" includes the residences of related children placed by the Department and the residences of families that receive children for purposes of adoption. The term "foster family home" is further defined in Section 2.17 of the Child Care Act of 1969.~~

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"Code of Ethics for Child Welfare Professionals" means the ethics code that addresses business ethics, a code of professional practice, and an employee code of conduct.

"Conflict of interest" means an employee has a personal interest that could result in using his or her official position for private gain ~~(other than salary), giving~~ gives preferential treatment to any entity or person in the conduct of official duties because of personal interest, impeding impedes or adversely affecting affects governmental efficiency or economy because of personal interest, failing fails to act impartially in the conduct of official duties because of personal interest, or engaging engages in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services. ~~The term also means that the circumstances are such that a reasonable person might conclude that an individual's judgement could be influenced by the nature of the circumstances or the individual(s) involved. Conflicts of interest may be actual or potential.~~

"Conflict of Interest Committee" is a group appointed by the Director that reviews issues, inquiries or concerns and provides assistance and guidance to DCFS employees regarding this Part.

~~"Decisionmaking~~Decision-making function" or ~~"decisionmaking~~decision-making authority" means personal involvement in, or direct supervisory responsibility for, the formulation, monitoring or execution of a contract or grant. This includes, but is not limited to, preparation of contract or grant specifications, program plans and scopes of services, evaluation of bids or proposals, negotiation of contract or grant terms, evaluation of service delivery or the contract or grant deliverables, monitoring of services provided, evaluation of contract or grant performance, supervision of contract or grant performance, and providing input into whether a contract or grant should be approved, renewed or terminated. Decisionmaking function or decisionmaking authority also means that an individual's duties include, but are not limited to, the referral or transfer of any applicant for or client of Department services to a child care facility or other entity; the supervision, monitoring, licensing, or evaluation of a child care facility or other entity; or the decision whether to award or refuse to award a contract or grant to a child care facility or other entity.

"Department" or "DCFS" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

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"Director" means the Director of the Illinois Department of Children and Family Services.

"Economic interest" means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, community college or university.

"Employee" or "State employee" means an individual who, on a full-time or part-time basis, receives remuneration from the Department for services performed. For purposes of this Part, the term "employee" includes an individual who receives remuneration directly from the Department pursuant to a contract for personal services.

"Familial relationship" means two employees or an employee and a job applicant in the relationship of:

wife, husband, civil union partner, son, daughter, mother, father, sister, brother, nephew, niece, aunt, uncle, grandmother, grandfather, granddaughter, grandson, first cousin;

any of those relationships arising as a result of marriage or civil union, including father-in-law, mother-in-law, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, step-granddaughter, step-grandson, half-sister, half-brother; or

a legal dependent as claimed on the most recent federal income tax return.

"Fiduciary duty" means the obligation of all Department employees to act in the best interests of the client in the conduct of official business and fulfillment of the Department's statutory responsibilities. Fiduciary duty requires each employee to act in good faith without personal self-interest and with care, candor and loyalty in carrying out his or her duties on behalf of the Department.

"Foster family home", for the purpose of this Part, means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of

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relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except that the Director, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children under 18 years of age shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] The term "foster family home" also includes the residences of related children placed by the Department and the residences of families that receive children for purposes of adoption.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member or officer. [5 ILCS 430/1-5]

"Immediate family member" means any of the following relationships by blood, marriage, civil union or adoption: ~~spouse~~wife, ~~husband~~, son, daughter, mother, father, ~~siblings~~sister, ~~brother- or sister-in-law~~, ~~brother~~, or a legal dependent ~~as claimed on the most recent federal income tax return~~. For the purpose of this Part, this includes any youth-in-care residing at the residence.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, receiving mail at the household address, or using identification with the household address. For the purpose of this Part, this includes any youth-in-care residing at the residence.

"Personal interest" means that one has the potential to gain or lose money, other consideration, gifts, favors, or preferential treatment for oneself or another, depending upon the outcome of a decision, review or other transaction.

"Personal relationship" means related by blood, marriage, civil union or adoption, or that a DCFS employee ~~one~~ ~~has or has had~~ a social, business or other relationship that has the potential to influence or affect the employee's ~~one's~~ objectivity or judgement when performing a task directly involving the person with whom he or she has a personal relationship. Personal relationship also includes a Department employee's association with a member of his or her

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household who is unrelated to the employee by blood, marriage, civil union or adoption, but whose association with the Department employee has the potential to influence or affect the employee's objectivity or judgment.

"Secondary employment" means any external employment or work activity, with a public or private entity, or self-employment that is in addition to an employee's position with the Department, even while on leave. Secondary employment includes, but is not limited to, working for another employer, self-employment, the private practice of any profession, occupation or trade, consulting services, being involved in a family business, volunteer work and teaching.

"Significant working relationship" means a relationship that involves direct or indirect supervision or shared work responsibility.

~~"State agencies," as defined by the Illinois State Auditing Act [30 ILCS 5], means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative or judicial branch, but other than the circuit court; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State and administrative units or corporate outgrowths of State government which are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor.~~

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.30 DCFS Ethics Officer~~Department Statutory Responsibilities~~The DCFS Ethics Officer:

- a) Acts as liaison between DCFS and the Office of the Executive Inspector General and the Executive Ethics Commission;
- b) Reviews statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State;
- c) Provides guidance to DCFS employees on the interpretation and implementation of the State Officials and Employees Ethics Act and the Code of Ethics for Child

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Welfare Professionals. Guidance shall be based, whenever possible, upon legal precedent in court decisions and published opinions of the Executive Ethics Commission;

- d) Participates as a member of the DCFS Conflict of Interest Committee;
- e) Keeps abreast of executive orders and changes in law or statutes that could affect ethical duties or decisions; and
- f) Consults DCFS Conflict of Interest Committee as needed.

~~The Department of Children and Family Services has statutory responsibilities regarding minors adjudicated under the Juvenile Court Act of 1987 [705 ILCS 405]; minors placed with the Department through voluntary placement agreements with parents, guardians or custodians; minors placed with the Department through adoptive surrenders, or otherwise provided services in accordance with the Children and Family Services Act [20 ILCS 505]; the licensing of child care facilities under the Child Care Act of 1969 [225 ILCS 10]; and the operation of programs. These statutory duties include securing appropriate care for minors through foster care or purchase of service agreements with public or private agencies.~~

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.40 Prohibition of Employee Conflicts of Interest~~Interests and Conduct Creating Impropriety or the Appearance of Impropriety~~

- a) Personal Interest
 - 1) No employee shall use his or her official position for private gain (~~other than salary~~), give preferential treatment to any person or entity in the conduct of official duties because of personal interest, impede or adversely affect governmental efficiency, investigation or economy because of personal interest, fail to act impartially in the conduct of official duties because of personal interest, or engage in conduct that could adversely affect the confidence of the public in the integrity of the Department ~~of Children and Family Services~~.
 - 2) Employees shall conduct official business impartially and with the object of fulfilling the Department's statutory responsibilities. No employee shall use his or her official position to benefit his or her economic, private or

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personal interests or to benefit the economic, private or personal interests of persons with whom he or she has a personal, familial or business relationship.

- 3) Employees shall use Department property and funds only for the purposes directed by, and in the manner specified or directed by, Department rules, policies and procedures. No Department employee shall engage in, or knowingly permit, the misuse of Department property or funds for personal gain or economic self-interest, or for the gain or economic interest of others with whom he or she has a personal, familial or business relationship.

b) Improper Influence

- 1b) No employee shall serve in any capacity with, or be employed on a full-time or part-time basis by, any child care facility ~~as defined in Section 437.20~~ or any entity that has a grant, contract or purchase of service agreement with the Department, to the extent that ~~the such~~ service or employment creates a conflict of interest, ~~as defined in Section 437.20~~. Foster family home and day care home licensees are exempt from this restriction.
- 2e) No employee shall act as a consultant, paid or unpaid, to any entity if ~~that such~~ consultation enables the entity to meet Department licensing requirements, obtain a grant, contract, or purchase of service agreement with the Department, or secure Department approval for program or staffing, to the extent that ~~the such~~ consultation creates a conflict of interest as defined in ~~this Part~~ Section 437.20.

c) Secondary Employment

- 1) An employee engaged in any secondary employment shall not permit that employment to interfere with his or her official duties, violate any provision of this Part or any other applicable rules, or use his or her relationship with the Department to obtain or promote his or her secondary employment.
- 2) An employee engaged in any secondary employment shall notify his or her supervisor, in writing, of his or her secondary employment. If the

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supervisor is unsure if there is a conflict of interest with the secondary employment, the supervisor shall consult with the Conflict of Interest Committee.

d) Service on Boards and Committees

- 1d) Any employee who serves on the board of directors or professional advisory committee, in either a paid or unpaid capacity, of any child care facility ~~as defined in Section 437.20~~ or any entity that has a grant, license, contract or purchase of service agreement with the Department shall immediately notify the DCFS Ethics Officer~~Director of the Department or designee~~. After notifying the DCFS Ethics Officer, Such notification shall result in the employee shall refrain from~~not~~ being involved in any decisionmakingdecision-making function that impacts that child care facility or entity until approval from the DCFS Ethics Officer has been provided. Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related to serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the DCFS Ethics Officer~~Office of Internal Audits~~ when the aggregate amount exceeds \$200, or any limit contained in the Act or any Executive Order (whichever is more stringent) within a calendar year for service on a single board of directors or professional advisory committee.~~An employee appointed to a board of directors or professional advisory committee by the Director to meet the requirements of a statute or Executive Order is exempt from the provisions of this subsection.~~
- 2) An employee appointed to a board of directors or professional advisory committee by the Director to meet the requirements of a statute or Executive Order is exempt from the provisions of this subsection (d) with regard to that appointment.

e) Gift Ban; Disposition of Gifts

To prevent the inappropriate influence or the appearance of inappropriate influence over State employees, no State employee shall intentionally solicit or

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accept any gift from any person, entity or child care facility for the benefit of himself or herself or his or her spouse or immediate family members.

- 1) Persons from whom gifts may not be accepted include, but are not limited to, any person, entity or child care facility that, within the prior year, was or is:
 - A) seeking a contract, grant or other award with or from the Department;
 - B) licensed by, or is seeking to become licensed by, the Department;
 - C) involved in a child protection investigation or safety plan; or
 - D) receiving services funded by the Department, either for himself or herself or for a member of his or her immediate family.
 - 2) The employee shall immediately report the receipt of any gift, including a gift to the employee's spouse or immediate family member, to the employee's direct supervisor and Regional Administrator, who must document the disposition of the gift as described in subsection (e)(3) and report it to the Ethics Officer.
 - 3) Any payment, gift, favor or other consideration not authorized for acceptance in this subsection (e) shall be returned to the donor immediately in order to avoid violating this Part. An employee may otherwise give the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code. [5 ILCS 430/10-30]
- f) Honoraria
- 1) No employee may accept an honorarium for speeches, panel participation or written materials when the employee is speaking or writing as a representative of the Department; the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or travel and related expenses are paid by the State.

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- 2) An employee may accept a nominal token of appreciation or courtesy (such as a meal, floral arrangement, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the tokens accepted from a single source shall not exceed \$200, or any limit contained in the Act or Executive Order, whichever is more stringent, per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service. Any employee receiving tokens that cause the employee to exceed \$200, or the aggregate amount in the Act or Executive Order, regardless of source, during a single fiscal year shall notify the DCFS Ethics Officer, in writing, within 30 days after receiving the token or tokens that exceed the allowable limit. This written notification shall identify the items received, the dates the items were received, and the names of the donor organizations or individuals.
- g) Future Remuneration or Employment
No employee shall participate personally or substantially in the award of a State contract or in a regulatory or licensing decision regarding an entity with which the employee has entered into any communications concerning a future job, contract for services, position or remuneration of any kind for the employee or a member of the employee's immediate family.
- h) Economic and Personal Interests Prohibited
- 1) An employee must disclose to his or her direct supervisor, in a timely manner, any non-work relationship with a known DCFS client. The supervisor shall immediately review the conflict and determine whether to re-assign any casework responsibilities, and confer with the DCFS Ethics Officer and the Office of Employee Services regarding appropriate actions to be taken.
- 2) No employee shall be involved in any decisionmaking function that impacts anyone with whom the employee has a personal relationship or an economic interest; a child care facility, or any entity that has a grant, license, contract, purchase of service agreement, or adoption assistance agreement with the Department in which the employee or anyone with whom the employee has a personal relationship has a personal or economic interest. When an employee, an immediate family member of an employee, or anyone with whom the employee has a personal

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relationship has an economic interest in a child care facility or other entity, and the employee is involved in any decisionmaking function that impacts that child care facility or other entity, the employee shall immediately notify the DCFS Ethics Officer. This notification shall result in the employee not being involved in any decisionmaking function that impacts that child care facility or other entity and may result in a determination that a conflict of interest is present that requires that the employee terminate his or her employment. In addition, no employee shall be involved in any decisionmaking function with respect to any entity with which the employee was employed or had a contractual relationship within the past 12 months.

- i) Nepotism Prohibited
No employee shall participate in any way in the hiring, supervision (including temporary supervision), or evaluation of another employee with whom the employee has or acquires a familial relationship. For the purpose of this subsection, "supervision" includes anyone within the supervisory chain of command over the family member.
- 1) Employees with a familial relationship may not provide supervision to each other, but they are allowed to work in the same work location.
 - 2) Any individual seeking employment, promotion, transfer, and/or any other action that modifies existing work conditions must identify to the DCFS Ethics Officer anyone with a familial relationship working for the Department in the same work location or within the chain of command at a different work location for which the individual is seeking consideration.
 - 3) Denial of employment, promotion, transfer, and/or any other action that modifies existing work conditions will occur for any individual to a position in which supervision of someone in a familial relationship would exist.
 - 4) Failure of an employee or applicant to disclose a familial relationship as defined in this Part may result in disciplinary action up to and including discharge.

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- 5) Immediate relatives serving on DCFS-related boards or commissions shall not use or attempt to use influence toward the Department in order to gain favor for their respective family members.

j) Licensure Restrictions

- 1) Employees Who Own, Operate or Participate in the Operations of a Child Care Facility
When an employee is the owner, director, officer or manager of an entity that seeks to become licensed as a child care facility, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than the region in which the individual is employed, and by employees who have no significant working relationship or personal relationship with the individual. If a license is granted, the employee must resign his or her employment before the facility commences any operations as a child care facility. For the first five years of operation, the child care facility shall be supervised, monitored, licensed and evaluated by a Department region other than the region in which the individual was previously employed, and by employees who had no significant working relationship with the individual while employed, and always by employees who have no personal relationship with the individual.
- 2) When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If a foster family or day care home license is granted, the employee may continue his or her employment while operating the foster family home or day care home. The employee's or immediate family member's foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall submit, in writing, a request for a determination from his or her immediate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing or evaluating the employee's foster family home or day care home. The immediate supervisor shall be responsible for

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ensuring that the employee's duties do not pose a conflict with the agency responsible for his or her license. If the employee or immediate family member seeks to apply for a license to operate a day care home, but there is no licensed child welfare or day care agency that processes day care home licenses within 50 miles of the employee's residence, the employee can submit a request, in writing, to the DCFS Ethics Officer seeking an exemption from the requirements of this subsection (j)(2), but only as the exemption pertains to day care homes.

3) Employees Who Seek to Adopt or Apply for Adoption Assistance
When an employee or immediate family member seeks to adopt a child or apply for adoption assistance, the study to determine the appropriateness of the adoption or eligibility for adoption assistance shall be provided by an agency other than the Department, and by persons who have no significant working relationship or personal relationship with the employee. If the Department enters into an adoption assistance agreement with the employee and immediate family member, on-going maintenance of that agreement shall be by a Department region other than that in which the individual is employed, and by employees who have no significant working relationship with the employee involved.

- e) ~~An employee shall conduct official business impartially and with the object of fulfilling the statutory responsibilities of the Department. No employee shall use his or her official position to benefit the economic interest, private or personal interest of himself or herself or persons with whom he or she has a personal relationship.~~
- f) ~~No employee shall solicit or accept any payment, gift, favor, service, loan or entertainment or other consideration for themselves or others under circumstances that might reasonably be construed to influence the performance of his or her official duties.~~
- g) ~~No employee shall solicit or accept any payment, gift, favor, service, discount, loan, entertainment or other consideration from any entity or child care facility as defined in Section 437.20 or any entity that has a grant, contract, or purchase of service agreement, or adoption assistance agreement with the Department over which the employee has decision-making authority.~~
- h) ~~No employee may accept an honorarium for speeches, panel participation or~~

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~~written materials when:~~

- ~~1) he or she is speaking or writing as a representative of the Department; or~~
 - ~~2) the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or~~
 - ~~3) travel and related expenses are paid by the State.~~
- i) An employee may accept a nominal token of appreciation or courtesy (such as meals, floral arrangements, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the token(s) accepted from a single source shall not exceed \$50 per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service. Any employee receiving such tokens that exceed \$200 in value in the aggregate regardless of source during a single fiscal year shall notify the Department's Office of Internal Audits within 30 days after receiving the token(s) that exceeds the allowable limit. Such notification shall be in writing and identify the items received, the dates the items were received, and the names of the donor organization(s) or individual(s).
- j) Any payment, gift, favor or other consideration not authorized for acceptance by subsection (i) above shall be returned to the donor immediately.
- k) No employee who has a contract for future employment or is negotiating concerning possible future employment with any child care facility, as defined in Section 437.20, or any entity that has a grant, contract or purchase of service agreement with the Department shall be involved in any decision-making function that impacts that facility or entity.
- l) No employee shall be involved in any decision-making function that impacts any child care facility, as defined in Section 437.20, or any entity that has a grant, contract, purchase of service agreement or adoption assistance agreement with the Department in which the employee or any immediate family member of the employee has an economic interest. When an employee or an immediate family member of an employee has an economic interest in such a facility or entity, and the employee is involved in any decision-making function that impacts that child care facility or other entity, the employee shall immediately notify the Director of the Department or designee. Such notification shall result in the employee's not

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~~being involved in any decision-making function that impacts that child care facility or other entity, and may result in a determination that an inherent conflict of interest is present that requires that the employee terminate his or her employment.~~

- m) ~~No employee shall participate in any way in the hiring, supervision, or evaluation of any immediate family member as defined by this Part.~~
- n) ~~When an employee is the owner, director, officer, or manager of an entity that seeks to become licensed as a child care facility as defined in Section 437.20; other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than that in which the individual is employed and by employees who have no significant working relationship or personal relationship with the individual. If such a license is granted, the employee must resign his or her employment before commencing any operations as such a child care facility. For the first five years of such operations, the child care facility shall be supervised, monitored, licensed, and evaluated by Department region other than that in which the individual was previously employed and by employees who had no significant working relationship with the individual while employed and always by employees who have no personal relationship with the individual.~~
- o) ~~When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If such license is granted, the employee may continue his or her employment while operating the foster family home or day care home. The employee's or spouse's foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall consult with appropriate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing, or evaluating the employee's foster family home or day care home. If the employee or spouse seeks to apply for a license to operate a day care home, but there is no licensed child welfare or day care agency that processes day care homes licenses within 50 miles of the employee's residence, the employee can submit a request in writing to the Office of Internal Audits seeking an exemption from the requirements of this subsection, but only as~~

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~~the exemption pertains to day care homes. For purposes of this subsection only, the term "employee" or "State employee" does not include licensed foster parents with whom the Department contracts to provide support services to other Department supervised foster parents.~~

- p) ~~When an employee or spouse seeks to adopt a child or apply for adoption assistance, the study to determine the appropriateness of the adoption or eligibility for adoption assistance shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If an adoption assistance agreement is entered into, on-going maintenance of that agreement shall be by a Department region other than that in which the individual is employed and by employees who have no significant working relationship with the employee involved. Service responsibility for any employee currently involved in adopting a child or applying for or receiving adoption assistance shall be transferred by June 30, 1999 to a private agency or region other than that in which the individual is employed.~~
- q) ~~An employee who holds a valid license as a child care facility shall comply with the provisions of this Part immediately, except that, if necessary, transfer of the supervision, monitoring, licensing, and evaluation of a foster family home or day care home to an agency other than the Department shall be accomplished by January 15, 1999 or prior to the renewal of the license, whichever occurs first.~~
- r) ~~An employee called as a witness in a court proceeding or administrative hearing on the basis of his or her official position or knowledge as a Department employee may not accept payment for such an appearance. Any payment or fees received shall be made payable to the Treasurer, State of Illinois, and turned over to the immediate supervisor. An employee called as a witness in a court proceeding or administrative hearing shall notify his or her immediate supervisor. The supervisor shall review the appearance for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether a conflict exists.~~
- s) ~~An employee who accepts secondary employment that might adversely affect, or give the appearance of affecting, his or her official duties or that might adversely affect public confidence in the integrity of the Department shall notify his or her immediate supervisor. The supervisor shall review the employment for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination regarding whether a conflict~~

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~~exists. Any such employment must comply with the Illinois Procurement Code [30 ILCS 500]. (See Section 437.50.)~~

- ~~t) An employee engaged in any secondary employment shall not permit such employment to interfere with his or her official duties and shall not use his or her relationship with the Department to promote his or her secondary employment.~~
- ~~u) When an employee or any person with whom the employee has a personal relationship is the subject of an investigation or review conducted by the Office of Inspector General, Office of Internal Audits, child protection, licensing, or other Department unit, the employee shall not use his or her status as an employee to influence or interfere with the investigation or review. The employee shall not participate in any decision making regarding the results of the investigation or review, and shall have access to the record(s) of the investigation or review only as authorized by applicable statute or regulation. When the employee normally has authority over the person or persons responsible for the investigation or review, responsibility for the investigation or review and decision making shall be transferred to a person or entity with no apparent conflict of interest.~~

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.50 Conflict Prohibitions Under the Illinois Procurement Code

- ~~a) All employees of the State of Illinois must comply with the anti-conflicts requirements of the Illinois Procurement Code [30 ILCS 500/13a]. The Illinois Procurement Code prohibits anyone employed by the State of Illinois, or who is the spouse or minor child of a State employee, from acquiring any contract or any direct pecuniary interest in any contract that will be paid, in whole or in part, with funds appropriated by the Illinois General Assembly. Employees who are receiving remuneration for services as State employees of the Department are subject to the provisions of the Illinois Procurement Code [30 ILCS 500]. Very generally, the Illinois Procurement Code prohibits certain contracts and economic interests of State employees, their spouses, and minor children. It also contains reporting requirements and exemption provisions. All State employees must comply with the provisions of the Illinois Procurement Code. State employees should, therefore, consult the Code to make sure that they are in compliance with it. If necessary, employees shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether they are in compliance with the Code.~~

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- b) Section 13(a) of the Illinois Procurement Code provides, with specific exceptions, that it is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for that employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person, to have or acquire any contract or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority [30 ILCS 500/13a]. As a result, all employees of the Department should consult the Procurement Code to ensure that they are in compliance with its conflict of interest requirements. Employees may also seek the assistance of the DCFS Ethics Officer in evaluating specific circumstances to determine compliance. ~~Section 50-13 of the Illinois Procurement Code excludes from its conflict of interest provisions payments made to an employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department. Also excluded are contracts for personal services as a teacher or school administrator at any school district, public community college district or State university.~~

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.60 Requirements of the Illinois Governmental Ethics Act

- a) Employees who are receiving remuneration for services as State employees of the Department and who are identified~~required~~ by the Department as meeting the criteria set forth in Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/Art. 4A] are required to file a yearly statement disclosing their economic interests. The Department Director's Office, in cooperation with the DCFS Ethics Officer and the Office of Employee Services, will contact employees instructing them to complete the Statement of Economic Interest when they:
- 1) *are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this*

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State;

- 2) *have direct supervisory authority over, or direct responsibility for, the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of \$5,000 or more;*
- 3) *have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;*
- 4) *have authority for the approval of professional licenses;*
- 5) *have responsibility with respect to the financial inspection of regulated nongovernmental entities;*
- 6) *adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding, within the authority of the State; or*
- 7) *have supervisory responsibility for 20 or more employees of the State.*
(Section 4A-101 of the Act)

- b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest must timely submit his or her original, but fails to file the Statement to the DCFS Ethics Officer who by May 1 of each year, will then file it with the Secretary of State by the statutorily imposed due date ~~be subject to a \$15 late filing fee.~~ Any employee who fails to file his or her the Statement of Economic Interest with the DCFS Ethics Officer by the date required may be subject to discipline or other penalties for late filing. Employees whose forms are not filed timely with the Secretary of State will by May 15 shall be subject to fines imposed by a penalty of \$100 per day from May 16 to the date that the Statement is filed with the Secretary of State. This penalty is in addition to the \$15 late filing fee associated with the May 1 deadline. Failure to file may by May 31 of each year shall result in fines and penalties up to and including discharge the forfeiture of employment.
- c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

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(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.70 Prohibition of Employee Conflicts in the Placement and Care of Children

- a) No employee shall take a child for whom the Department is legally responsible to the employee's residence, or in any way be involved in arranging or facilitating the transportation of such a child to the employee's residence, unless:
- 1a) the employee is a licensed foster parent or unlicensed relative caregiver and the child has been placed with the employee for foster care or adoption purposes. Placement of a child with an employee must be approved by the administrator responsible for the region; or the private agency administrator responsible for case management and documented in writing;
 - 2b) the ~~person~~person(s) responsible for the day to day care of the child has consented to the child's visit to the employee's residence or has authorized the employee to transport the child in-state, and the employee's supervisor has given prior written approval for this activity~~and;~~ (for purposes of transportation, the employee has a valid driver's license, insurance as required by law, and uses appropriate child safety restraint devices); ~~or~~
 - 3e) a child age 16 or over has been placed in a transitional or~~an~~ independent living arrangement, supervised by a different employee or another agency, ~~and~~ the child is residing in an apartment or other separate unit of the building where the employee resides, and the employee's supervisor has given prior written approval for this activity; or
 - 4d) the administrator responsible for the region has approved the child staying overnight at the employee's residence because of inclement weather or other emergency. Verbal approval by the administrator must be confirmed in writing the next business day.
- b) If an employee believes that his or her professional involvement with a client may be compromised for any reason, the employee shall immediately seek direction from his or her immediate supervisor. Reassignment of the case may resolve the conflict of interest. Examples of professional involvement that may pose a conflict of interest include, but are not limited to, the existence of a social

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friendship between the employee and the client, hostile interaction between the employee and client, and personal bias or animus between the client and employee.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.80 Requirements of the State Officials and Employees Ethics Act~~Executive Order #3 (1977)~~

- a) The Act is a comprehensive revision of State ethics laws intended to ensure that State officers and employees adhere to the highest ethical standards. The Act contains provisions regulating certain types of conduct by State employees, including but not limited to:
- 1) engaging in political activity and soliciting political contributions;
 - 2) making ex parte communications imparting information regarding regulatory, adjudicatory, investment or licensing matters;
 - 3) accepting gifts; and
 - 4) accepting subsequent employment ("revolving door").~~In addition to the requirements of the Illinois Governmental Ethics Act, certain employees in critical government positions are required to file a Statement of Personal Economic Disclosure. This is a requirement of Executive Order #3 (1977), "Personal Economic Disclosure." Staff included under Executive Order #3 are the following: appointed by the Governor; approve and certify vouchers, issuance of contracts, licensing, financial inspection of regulated private entities; staff in policy making positions; or such other responsibilities determined to have potential conflict of interest.~~
- b) The Act also contains provisions protecting State employees from retaliation for reporting misconduct. Employees should consult the Act for a comprehensive list of prohibited activities. In the event that the requirements in the Act are different from those of this Part, the more restrictive requirements shall apply.~~The Department's Office of Internal Audits contacts each employee subject to Executive Order #3 by memorandum instructing them to complete the attached Statement of Economic Interest that is attached to the memorandum and return it to the State Board of Ethics no later than April 30 of each year. Failure to file in a~~

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~~timely manner, or the willful making of a false, misleading, or incomplete Statement of Economic Interest or failure to cooperate with the State Board of Ethics shall be grounds for disciplinary action, including dismissal.~~

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.90 Employee Conflict of Interest ~~Violations of Part 437~~

- a) Strict compliance with all of the provisions of this Part is mandatory and any non-compliance may subject the employee to criminal penalties, ~~suspension, and/or discipline, up to and including termination of discharge from~~ employment.
- b) Any employee who has reasonable cause to believe that an employee is in violation of any of the provisions of this Part shall refer the matter to the Department's Office of ~~Inspector General~~ Internal Audits.
- c) The Department may require any employee who appears to be in violation of any of the provisions of this Part to document all of his or her actions undertaken in order to ~~determine compliance~~ comply with all of the provisions of this Part.
- d) Discipline imposed for violations of this Part will be based, in part, upon whether the employee:
 - 1) Used his or her official position for private gain (other than salary);
 - 2) Gave preferential treatment to any entity or person in the conduct of official duties because of a personal, familial or business interest or personal relationship;
 - 3) Impeded or adversely affected governmental efficiency or economy because of a personal, familial or business interest or personal relationship;
 - 4) Failed to act impartially in the conduct of official duties because of a personal, familial or business interest or personal relationship; or
 - 5) Engaged in conduct that could be reasonably construed as adversely ~~affecting~~ affect the confidence of the public in the integrity of the ~~Department of Children and Family Services~~.

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(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Student Loan Servicing Rights Act
- 2) Code Citation: 38 Ill. Adm. Code 1010
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1010.100	New Section
1010.120	New Section
1010.130	New Section
1010.140	New Section
1010.150	New Section
1010.160	New Section
1010.170	New Section
1010.180	New Section
1010.190	New Section
1010.210	New Section
1010.220	New Section
- 4) Statutory Authority: Implementing and authorized by the Student Loan Servicing Rights Act [101 ILCS 992].
- 5) Effective Date of Rules: October 9, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 11368; July 10, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No Substantive differences between the proposed version and the adopted version of this rule except for a couple minor technical changes recommended by JCAR
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These adopted rules implemented provisions of the Student Loan Servicing Rights Act in relation to licensing fees, operations, and supervision. With respect to fees and operations, the provisions included the establishment of license fees, examination fees, hearing fees, and assessments; requirements for servicers to provide notice of changes in their application; servicer website requirements; requirements to furnish borrowers with information regarding alternative repayment and loan forgiveness options; requirements related to account information, payment processing, and cosigner payments; maintenance of general books and records; record retention requirements; and electronic record requirements. With respect to supervision, the provisions addressed preparation of independent audit reports and examination timing, ratings, and implementation.
- 16) Information and questions regarding these adopted rules shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1010

STUDENT LOAN SERVICING RIGHTS ACT

Section

1010.100	Definitions
1010.120	Fees
1010.130	Notice of Changes by Licensee
1010.140	Licensee Website and Toll-Free Telephone Service
1010.150	Alternative Repayment and Loan Forgiveness Options
1010.160	Account Information, Payment Processing, Cosigner Payments
1010.170	Books and Records
1010.180	Record Retention
1010.190	Electronic Records
1010.210	Preparation of Independent Audit Report
1010.220	Examination

AUTHORITY: Implementing and authorized by the Student Loan Servicing Rights Act [110 ILCS 992].

SOURCE: Adopted at 44 Ill. Reg. 16445, effective October 9, 2020.

Section 1010.100 Definitions

"Act" means the Student Loan Servicing Rights Act [110 ILCS 992].

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

"Director" means the Director of the Division of Banking, with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Banking, with the authority delegated by the Secretary.

"Licensee" means a person licensed pursuant to the Act.

"NMLS" means the Nationwide Multistate Licensing System and Registry.

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

Section 1010.120 Fees

- a) The fees listed in this Section shall be payable to the Department, or to NMLS for transfer to the Division, as approved by the Director. The Director will specify the form of payment to the Division or to NMLS, which may include certified check, money order, credit card, or other forms authorized by the Director. NMLS shall be authorized to collect and process transaction fees or other fees related to licensees or other persons subject to the Act.
- b) License Fees
 - 1) Application and Investigation. For each application for an initial license, the applicant shall pay a nonrefundable initial application fee of \$1000 (see Sections 15-15 and 20-80 of the Act) and a nonrefundable background investigation fee of \$800, or the amount authorized by Sections 15-15 and 20-80 of the Act.
 - 2) License Renewal. For each application for an annual renewal of a license, the applicant shall pay a nonrefundable renewal fee of \$1,000 (see Section 20-80 of the Act). In the case of an inactive license, the applicant shall pay the nonrefundable renewal fee and an additional nonrefundable reactivation fee equal to the renewal fee, pursuant to Section 15-40(c) of the Act.
 - 3) Notice of Change of Ownership or Control. The licensee shall pay a nonrefundable fee of \$500 for each notice of change of ownership or control filed pursuant to Section 1010.130.
 - 4) Notice of Change of Officers or Directors or Change of Name or Address. The licensee shall pay a nonrefundable fee of \$50 for each notice of change of officers or directors or change of name or address filed pursuant to Section 1010.130.
- c) Returned Payment. Any licensee or person who delivers a check or other payment to the Department that is returned unpaid by the financial institution

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upon which it is drawn shall pay to the Department, in addition to the amount already owed, a fee of \$50.

- d) Examination Fees
 - 1) Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to Section 15-40 of the Act shall be billed by the Department at a rate of \$510 per examiner day. Fees will be billed following completion of the examination and shall be paid within 30 days after receipt of the billing.
 - 2) Out-of-State Travel. When out-of-state travel occurs in the conduct of any examination, the licensee shall make arrangements to reimburse the Department all charges for services such as travel expenses, including airfare, hotel and per diem incurred by the employee. These expenses are to be in accord with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800).
- e) Hearings. Each party that requests a hearing pursuant to Sections 20-30 and 20-65 of the Act shall pay a nonrefundable fee of \$500, unless the fee is waived by the Director. In determining whether to waive the fee, the Director shall consider the financial hardship imposed on the party.
- f) Assessments. Each licensee shall pay to the Division its pro rata share of the cost for administration of the Act that exceeds other fees listed in this Section, as estimated by the Division, for the current year and any deficit actually incurred in the administration of the Act in prior years. Each licensee's pro rata share shall be the percentage that the number of borrowers serviced in Illinois by the licensee bears to the total number of borrowers serviced by all licensees in Illinois.

Section 1010.130 Notice of Changes by Licensee

- a) Each licensee shall, upon any change in the information contained in its application for license, file an amendment to that application setting forth the changed information. The amendments shall be filed within 10 business days after the occurrence of the event that results in the information becoming inaccurate or incomplete.

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- b) Any amendment that cannot be submitted through NMLS shall be filed directly with the Division.

Section 1010.140 Licensee Website and Toll-Free Telephone Service

Each licensee shall maintain a secured-access website and toll-free telephone service consistent with the provisions of Sections 5-55 and 5-65 of the Act. The secured-access website and toll-free telephone service shall, at a minimum, provide borrowers and cosigners with capabilities reasonably adequate for efficiently handling communications, questions, and other matters relating to an existing loan. In determining whether the secured-accessed website and toll-free telephone service are provided in a reasonably adequate manner, the Director will consider consumer complaints received regarding the licensee and information obtained from examinations conducted and reports filed pursuant to the Act.

Section 1010.150 Alternative Repayment and Loan Forgiveness Options

Licensees must provide complete information to borrowers about alternative repayment and loan forgiveness options, the application processes for those options, the differences between those options and forbearance, and the consequences of those options and forbearance, consistent with Sections 5-30, 5-35, 5-40, and 5-45 of the Act.

Section 1010.160 Account Information, Payment Processing, Cosigner Payments

- a) Licensees must maintain detailed account information for each student loan borrower and cosigner, on the licensee's website, accessible to the borrower and cosigner, as applicable, through a secure login system. The licensee must maintain account history for each loan serviced and a report of all loans for each borrower serviced by the licensee.
- b) Licensees must credit borrower and cosigner payments promptly and accurately, including, but not limited to, by providing same-day crediting of electronic payments, if made before the posted cut-off time for same-day crediting, and crediting of paper check payments on the date received by the licensee.
- c) Licensees must apply payments made by cosigners only to a loan for which the payor has cosigned, unless specifically directed otherwise by the cosigner/payor.

Section 1010.170 Books and Records

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- a) Licensees must maintain a general ledger, maintain a cash receipt and disbursement journal, and reconcile bank accounts at least monthly.
- b) Licensees shall maintain, for each student loan serviced, the following information:
 - 1) the student loan application, if available;
 - 2) disclosure statements sent to the borrower;
 - 3) the promissory note or loan agreement;
 - 4) the complete loan history;
 - 5) qualified written requests;
 - 6) instructions from the borrower, if any, on how to apply overpayments;
 - 7) statements of account sent to the borrower; and
 - 8) any additional records the Director may designate.
- c) Each licensee must maintain books and records (see subsections (a) and (b)) at a location designated by the licensee.

Section 1010.180 Record Retention

Licensees must maintain all applicable records required by the Act and this Part for a minimum of 3 years after a serviced loan has been paid in full or assigned to collection, or the servicing rights have been sold, assigned, or transferred, unless prohibited by contract with the lender.

Section 1010.190 Electronic Records

Electronic records must be maintained by licensees in a commonly used format and be readily accessible, readable, and printable by the Director and Division staff.

Section 1010.210 Preparation of Independent Audit Report

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Each licensee shall annually cause its books and accounts to be audited by a certified public accountant not connected with the licensee. The audit shall be filed with the Division within 105 days after the end of the licensee's fiscal year. The audit shall be sufficiently comprehensive in scope to permit the expression of an opinion on the financial statements, which shall be prepared in accordance with generally accepted accounting principles and shall be conducted in accordance with generally accepted auditing standards.

Section 1010.220 Examination

- a) Licensees shall be examined from time to time pursuant to Section 20-15(a) of the Act. As part of each regularly scheduled examination, the Director shall evaluate and rate licensees in accordance with uniform rating factors.
- b) Ratings include, but are not limited to:
 - 1) The highest rating of 1 is assigned to a licensee that maintains a strong compliance management system (CMS) and takes active steps to prevent any violations of law and consumer harm.
 - 2) The rating of 2 is assigned to a licensee that maintains a CMS that is satisfactory at managing consumer compliance risk in the licensee's products and services and substantially limiting violations of law and consumer harm.
 - 3) The rating of 3 reflects a CMS deficient at managing consumer compliance risk in the licensee's products and services and at limiting violations of law and consumer harm.
 - 4) The rating of 4 reflects a CMS seriously deficient at managing consumer compliance risk in the licensee's products and services and/or at preventing violations of law and consumer harm.
 - 5) The rating of 5 reflects a CMS critically deficient at managing consumer compliance risk in the licensee's products and services and/or at preventing violations of law and consumer harm.
- c) All licensees shall be subject to examination by the Director. The Director may enter into cooperative agreements with other regulatory authorities and contract with others to provide examinations. The Director may accept examination

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reports from those regulatory authorities and under contracts that meet the requirements of this Section. The examination shall result in a rating under subsection (b) and will be charged at the rate referenced.

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1800.140	New Section
1800.615	Amendment
1800.690	Amendment
1800.715	Amendment
1800.720	Amendment
1800.790	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 78 (a) (3) of the Video Gaming Act [230 ILCS 40/79 (a) (3)], which provides that the Illinois Gaming Board (Board) shall "[a]dopt rules for the purpose of administering the provisions of this Act."
- 5) Effective Date of Rules: September 25, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 10061; June 12, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There are no substantive differences between the proposal and the final version. Second Notice Changes to the rule language have been agreed to by the Board and the Joint Committee on Administrative Rules and include a number of minor non-substantive revisions.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rule currently in effect? Yes. The rulemaking will replace an emergency rulemaking published at 44 Ill. Reg. 10193 (June 12, 2020) and effective May 27, 2020.

- 14) Are there any rulemakings pending on this part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1800.110	Amendment	44 Ill. Reg. 4265, March 20, 2020
1800.350	New Section	44 Ill. Reg. 4265, March 20, 2020

- 15) Summary and Purpose of Rulemaking: Section 10-75 of the Administrative Procedure Act (IAPA) [5 ILCS 100/10-75] permits an agency to establish requirements for serving certain notices via e-mail. It authorizes an agency to require any attorney representing a party to a hearing, and any person to the extent they are subject to licensure, permitting or regulation by the agency, to accept service of documents by e-mail. Section 10-75 applies to all administrative proceedings under Section 10-25 (contested cases) and 10-50 (decisions and orders) of the IAPA.

In conformity with Section 10-75 of the IAPA, the rulemaking adds a new Section 1800.140 to the Video Gaming (General) Part entitled "Service via E-mail." This new section establishes, as a condition of application and licensure, consent to receive notices, complaints, letters and orders via e-mail. It provides that each applicant has a duty under Section 1800.220 (Continuing Duty to Report Information) to update e-mail addresses and verify at least annually that an application has an updated e-mail address. An applicant or licensee may provide the Illinois Gaming Board (Board) with up to two additional e-mail addresses that are owned by the licensee, its owner, a video gaming manager, or a person of significant influence or control of the applicant or licensee. E-mail notices are deemed served on the date of transmission unless all of the addresses are undeliverable. If all of the e-mail addresses are undeliverable, a notice or letter shall be served by personal carrier or certified U.S. mail, unless the applicant or licensee updates its e-mail address.

The rulemaking also amends several sections of the Video Gaming (General) Part to authorize e-mail service by the Board. Within Subpart F (Denials of Applications for Licensure), the rulemaking amends Section 1800.615 (Requests for Hearing) and Section 1800.690 (Transmittal of Record and Recommendation to the Board). Within Subpart G ((Disciplinary Actions Against Licensees), the rulemaking amends Section 1800.715 (Notice of Proposed Disciplinary Action Against Licensees), Section 1800.720 (Hearings

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in Disciplinary Actions), and Section 1800.790 (Transmittal of Record and Recommendation to the Board).

In Section 1800.615, the rulemaking authorizes requests for hearings to be made by e-mail, and in Section 1800.720, it authorizes e-mail responses in disciplinary actions.

- 16) Information and Questions regarding these adopted rules may be addressed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

IGB.RuleComments@igb.illinois.gov

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

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TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING

SUBTITLE D: VIDEO GAMING

CHAPTER I: ILLINOIS GAMING BOARD

PART 1800

VIDEO GAMING (GENERAL)

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1800.110	Definitions
1800.115	Gender
1800.120	Inspection
1800.130	Board Meetings
1800.140	Service Via E-mail

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Information
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation
1800.340	Change in Ownership of Terminal Operators and Assets Held by Terminal Operators

SUBPART D: LICENSING QUALIFICATIONS

Section

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1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control
1800.440	Undue Economic Concentration

SUBPART E: LICENSING PROCEDURES

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1800.510	Coverage of Subpart
1800.520	Applications
1800.530	Submission of Application
1800.540	Application Fees
1800.550	Consideration of Applications by the Board
1800.555	Withdrawal of Applications and Surrender of Licenses
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates
1800.590	Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610	Coverage of Subpart
1800.615	Requests for Hearing
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

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1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board
1800.795	Persons Subject to Proposed Orders of Economic Disassociation

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

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1800.810	Location and Placement of Video Gaming Terminals
1800.815	Licensed Video Gaming Locations Within Malls
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section	
1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section	
1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
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1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
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1800.1110	State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

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1800.1210	Definitions
1800.1220	Entities Authorized to Perform Fingerprinting
1800.1230	Qualification as a Livescan Vendor
1800.1240	Fingerprinting Requirements
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SUBPART M: PUBLIC ACCESS TO INFORMATION

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1800.1310	Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

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1800.1410	Ticket Payout Devices
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SUBPART O: NON-PAYMENT OF TAXES

Section	
1800.1510	Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

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Section
1800.1610 Use of Gaming Device or Individual Game Performance Data

SUBPART Q: RESPONSIBLE GAMING

Section
1800.1710 Conversations About Responsible Gaming
1800.1720 Responsible Gaming Education Programs
1800.1730 Problem Gambling Registry
1800.1740 Utilization of Technology to Prevent Problem Gambling

SUBPART R: IMPLEMENTATION OF TECHNOLOGY

Section
1800.1810 Implementation of Technology

SUBPART S: INDEPENDENT TESTING LABORATORIES

Section
1800.1910 Independent Outside Testing Laboratories
1800.1920 Minimum Duties of an Independent Outside Testing Laboratory
1800.1930 Testing of Video Gaming Equipment
1800.1940 Approval of Video Gaming Equipment

SUBPART T: IN-LOCATION PROGRESSIVE GAMES

Section
1800.2010 In-location Progressive Games
1800.2020 Optional Nature of In-location Progressive Games
1800.2030 Procedures Within Licensed Video Gaming Locations
1800.2040 Payments of Progressive Jackpot Amount
1800.2050 Deductions from Progressive Jackpots
1800.2060 Progressive Jackpot Coordinator

SUBPART U: UNDERAGE GAMBLING COMPLIANCE

Section
1800.2110 Statement of Purpose

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1800.2120	Program Considerations
1800.2130	Utilization of Confidential Sources
1800.2140	Provision of Funds
1800.2150	Operational Procedures
1800.2160	Reporting and Evidence
1800.2170	Cooperation with Local Law Enforcement Agencies
1800.EXHIBIT A	Youth Participant Consent Form
1800.EXHIBIT B	Underage Gambling Participant Acknowledgment

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of

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150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment, except for the definition of "in-location bonus jackpot game" or "in-location progressive game" and the definition of "progressive jackpot" in Section 1800.110 and except for Section 1800.250(x), suspended at 43 Ill. Reg. 11061, effective September 18, 2019; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 13464, effective November 8, 2019, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 43 Ill. Reg. 13479, effective November 12, 2019; suspension withdrawn at 44 Ill. Reg. 3583; emergency amendment to emergency rule at 44 Ill. Reg. 3568, effective February 21, 2020, for the remainder of the 150 days; amended at 43 Ill. Reg. 14099, effective November 21, 2019; amended at 44 Ill. Reg. 489, effective December 27, 2019; amended at 44 Ill. Reg. 1961, effective December 31, 2019; amended at 44 Ill. Reg. 3205, effective February 7, 2020; emergency amendment at 44 Ill. Reg. 10193, effective May 27, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 10891, effective June 10, 2020; emergency amendment at 44 Ill. Reg. 11104, effective June 15, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 11134, effective June 22, 2020; emergency amendment at 44 Ill. Reg. 13463, effective July 28, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16454, effective September 25, 2020.

SUBPART A: GENERAL PROVISIONS

Section 1800.140 Service Via E-mail

- a) As a condition of application and licensure, applicants and licensees are deemed to have consented to receiving service of Board notices, complaints, letters, and orders via e-mail.
- b) Each applicant and licensee has a duty under Section 1800.220 to update the e-mail address at which it may be served, if that address changes, and to verify that the application has an updated e-mail address no less than annually.
- c) Each applicant and licensee may designate up to two additional e-mail addresses at which notice may be served. Each designated e-mail address must be owned by the licensee, its owner, its video gaming manager, or a person of significant influence or control over the applicant or licensee.

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- d) E-mail notices shall be deemed served on the date of the transmission, unless a delivery error is received on the Board's e-mail server for all of the licensee's designated e-mail addresses.
- e) If a delivery error is received on the Board's e-mail server for all of the applicant's or licensee's designated e-mail addresses, then the notice or letter will be served via personal service or certified U.S. mail, unless the applicant or licensee updates the designated e-mail addresses.

(Source: Added at 44 Ill. Reg. 16454, effective September 25, 2020)

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section 1800.615 Requests for Hearing

- a) If the Board finds that an applicant is not suitable for licensure, it shall issue the applicant a notice of denial.
- b) The Board shall serve notice on the applicant by e-mail pursuant to Section 1800.140, personal service, or U.S. certified mail ~~and U.S. mail~~ to the last known address of the applicant. Service is complete upon transmission of the e-mail or four days after mailing.
- c) Should an applicant wish to contest the action the Board has taken regarding an~~his~~ application, the applicant must submit a request for hearing to the Board.
- d) All requests for hearing shall be in writing. If a request for hearing is mailed, it~~and~~ shall include an original and one copy. The request shall contain the following:
 - 1) The name, current address and current telephone number of the petitioner (the applicant);
 - 2) Detailed reasons why and the facts upon which the petitioner will rely to show that the petitioner is suitable for licensure, including specific responses to any facts enumerated in the Board's notice of denial;
 - 3) A signature of the petitioner;

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- 4) A verification of the petition in the following form:
- "The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief. ~~As and as~~ to such matters, the undersigned certifies as aforesaid that he/she verily believes the same to be true."; and
- 5) The request must be notarized.
- e) A request for hearing must be made within 10 days after receipt of notice of denial from the Board. A request shall be deemed filed on the date the e-mail was transmitted or on which it is postmarked.
- f) If a request for hearing is not filed within 10 days after the receipt of notice from the Board, then the notice of denial becomes the final order of the Board denying the applicant's license application.
- g) A request for hearing shall be deemed granted unless denied. The Board may deny a request for hearing if the statement of the reasons and facts that it contains does not establish a prima facie case or fails to comply with any of the other requirements of this Section. The Board's denial of a request for hearing is a final decision and the denial of licensure becomes a final order on the date the Board denies the request for hearing.
- h) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the video gaming industry. If the Board allows a petitioner to withdraw a hearing request, the initial notice of denial becomes a final Board order on the date leave to withdraw is granted. If the petitioner does not prosecute his/her case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in entry of default judgment against the petitioner.
- i) The petitioner may submit a request for hearing by:
- 1) personal delivery;
 - 2) certified mail, postage prepaid; ~~or~~

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- 3) overnight express mail, postage prepaid; [or](#)
- 4) [e-mail to an e-mail address specified in the notice of denial.](#)
- j) All requests for hearing must be submitted to the Administrator at the Board's offices in Chicago.
- k) If a request is granted, an Administrative Law Judge will be appointed to conduct a hearing.

(Source: Amended at 44 Ill. Reg. 16454, effective September 25, 2020)

Section 1800.690 Transmittal of Record and Recommendation to the Board

- a) The record shall consist of the following:
 - 1) The notice of denial, the request for hearing and all motions and rulings;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings; [and](#)
 - 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part of the proceedings involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of [thesueh](#) testimony or oral proceedings and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing, the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his/her recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

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- d) Any party to the hearing may file exceptions to the recommendations of the Administrative Law Judge with the Board no later than 14 days after receipt of the recommended decision. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. There shall be no oral argument on exceptions.
- e) Final Board Order
 - 1) The Board shall review the entire record, including any exceptions filed, and shall render a written order including the bases for its decision.
 - 2) Copies of the final Board order shall be served on petitioner by [e-mail in accordance with Section 1800.140](#), personal delivery, certified mail or overnight express mail to petitioner's last known address.
 - 3) A final Board order shall become effective upon [transmission of the e-mail](#), personal delivery to a party, or upon posting by certified or overnight express mail to petitioner's last known address.

(Source: Amended at 44 Ill. Reg. 16454, effective September 25, 2020)

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section 1800.715 Notice of Proposed Disciplinary Action Against Licensees

- a) When notified of facts sufficient to support disciplinary action against a licensee or a person with significant influence or control, the Administrator shall immediately notify the Board and the licensee of the proposed disciplinary action. The notice shall advise the licensee of the following:
 - 1) A statement of the facts supporting the proposed disciplinary action;
 - 2) A description of the rule or statutory section the licensee has violated;
 - 3) A statement or description of the matters asserted and the consequences of the failure to respond; [and](#)
 - 4) The name and mailing address of the Illinois Gaming Board.

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- b) The Administrator shall serve the notice of proposed disciplinary action on the licensee by e-mail in accordance with Section 1800.140, personal service, or U.S. certified mail or U.S. regular mail to the last known address of the licensee. Service is complete upon transmission of the e-mail, or four days after mailing.

(Source: Amended at 44 Ill. Reg. 16454, effective September 25, 2020)

Section 1800.720 Hearings in Disciplinary Actions

- a) Should a licensee wish to contest the proposed disciplinary action, the licensee must submit a response to the notice of proposed disciplinary action described in Section 1800.715 to the Administrator.
- b) All responses shall be in writing. If a response is mailed, it~~and~~ shall include an original and one copy. The response shall contain the following:
- 1) The name, current address and current telephone number of the licensee;
 - 2) A clear and concise statement admitting or denying each of the factual allegations set forth in the notice of proposed disciplinary action, with each admission or denial being shown in separately numbered paragraphs corresponding to the separately numbered paragraphs in the notice of proposed disciplinary action;
 - 3) For all factual allegations that the licensee denies, a clear and concise statement of facts upon which the licensee relies or will rely on at a hearing;
 - 4) A signature of the licensee;
 - 5) A verification of the licensee in the following form:

"The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief. As~~and as~~ to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true."; and
 - 6) The response must be notarized.

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- c) The response must be filed within 21 days after receipt of the notice of proposed disciplinary action. A response shall be deemed filed on the date the e-mail is transmitted or on which it is postmarked.
- d) If a response is not filed within 21 days after receipt of the notice of proposed disciplinary action, then the proposed disciplinary action becomes effective and final immediately.
- e) No response shall be deemed filed if it fails to comply with any of the requirements of this Section.
- f) The licensee may submit a response by:
 - 1) personal delivery;
 - 2) certified mail, postage prepaid; ~~or~~
 - 3) overnight express mail, postage prepaid; or
 - 4) e-mail to an e-mail address specified in the notice of proposed disciplinary action.
- g) All responses must be submitted to the Administrator at the Board's offices in Chicago (160 N. LaSalle St., Chicago IL 60601).
- h) If a response is properly filed, an Administrative Law Judge will be appointed to conduct a hearing.

(Source: Amended at 44 Ill. Reg. 16454, effective September 25, 2020)

Section 1800.790 Transmittal of Record and Recommendation to the Board

- a) The record shall consist of the following:
 - 1) The notice of proposed disciplinary action, the response and all motions and rulings on motions;
 - 2) All evidence received;

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings on those offers and objections; [and](#)
 - 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part of the oral proceedings involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of the testimony or oral proceedings and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing, the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his/her recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- d) Any party to the hearing may file exceptions to the recommendations of the Administrative Law Judge with the Board no later than 14 days after receipt of the recommended decision. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. There shall be no oral argument on exceptions.
- e) Final Board Order
- 1) The Board shall review the entire record, including any exceptions filed, and shall render a written order including the bases for its decision.
 - 2) Copies of the final Board order shall be served on the licensee by [e-mail pursuant to Section 1800.140](#), personal delivery, certified mail or overnight express mail to the licensee's last known address.
 - 3) A final Board order shall become effective upon [transmission of the e-mail](#), personal delivery to a party, or ~~upon~~ posting by certified or overnight express mail to the party's last known address.

(Source: Amended at 44 Ill. Reg. 16454, effective September 25, 2020)

DEPARTMENT OF REVENUE

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- 1) Heading of the Part: Hotel Operators' Occupation Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 480
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
480.101	Amendment
480.105	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-795
- 5) Effective Date of Rules: September 25, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 2706; February 14, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Only grammatical and technical changes were made. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? There was no agreement letter because there were no changes.
- 13) Will these rulemakings replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: 86 Ill. Adm. Code 480.101 and 480.105, Hotel Operators' Occupation Tax Act ("HOOT") is being amended in response to the changes made by PA 100-213.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Effective July 1, 2017, the HOOT is not imposed upon gross rental receipts received by an entity that is organized and operated exclusively for religious purposes and possesses an active Exemption Identification Number issued by the Department pursuant to the Retailers' Occupation Tax Act when acting as a hotel operator renting, leasing, or letting rooms:

in furtherance of the purposes for which it is organized; or

to entities that

are organized and operated exclusively for religious purposes;

possess an active Exemption Identification Number issued by the Department pursuant to the Retailers' Occupation Tax Act; and

rent the rooms in furtherance of the purposes for which they are organized.

No gross rental receipts are exempt under subparagraph (2) unless the hotel operator obtains the active Exemption Identification Number from the exclusively religious entity to whom it is renting and maintains that number in its books and records.

Examples were included in the rulemaking which will be helpful to taxpayers.

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

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

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 480

HOTEL OPERATORS' OCCUPATION TAX ACT

Section

480.101	Nature, Rate and Scope of the Tax
480.105	Definitions
480.110	Registration and Returns
480.115	Books and Records
480.120	Penalties, Interest and Procedures
480.125	Claims to Recover Erroneously Paid Tax

AUTHORITY: Implementing the Hotel Operators' Occupation Tax Act [35 ILCS 145] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505].

SOURCE: Adopted July 6, 1962; codified at 8 Ill. Reg. 8611; amended at 13 Ill. Reg. 10693, effective June 16, 1989; amended at 16 Ill. Reg. 3578, effective February 25, 1992; amended at 21 Ill. Reg. 2383, effective February 3, 1997; amended at 21 Ill. Reg. 13654, effective September 29, 1997; amended at 24 Ill. Reg. 17814, effective November 28, 2000; amended at 39 Ill. Reg. 1849, effective January 16, 2015; amended at 43 Ill. Reg. 5109, effective April 17, 2019; amended at 44 Ill. Reg. 16471, effective September 25, 2020.

Section 480.101 Nature, Rate and Scope of the Tax

a) Nature and Rate of Tax

- 1) The Hotel Operators' Occupation Tax Act imposes a tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 5% of 94% of the gross rental receipts from the renting, leasing or letting, excluding, however, from the gross rental receipts, the proceeds of the renting, leasing or letting to permanent residents of that hotel (i.e., from persons who occupy or have the right to occupy such rooms for at least 30 consecutive days).
- 2) There is also imposed an additional tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 1% of 94% of the gross rental receipts from the renting, leasing or letting,

DEPARTMENT OF REVENUE

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excluding, however, from gross rental receipts, the proceeds of the renting, leasing or letting to permanent residents of that hotel.

- 3) A hotel is any kind of building in which the public may, for a consideration, obtain living quarters or, sleeping or housekeeping accommodations (e.g., hunting lodges, camps, cabins, and third-party platform rentals of apartments, houses and rooms). (For a more complete definition of "hotel", see Section 480.105.)
- 4) The exclusion for permanent residents means that the tax is imposed on the business of renting rooms for use as living quarters, or for sleeping or housekeeping accommodations, when renting is done on a transient basis.
- 5) The tax is an occupation tax whose legal incidence is on the lessor of the rooms. Nevertheless, persons subject to the tax imposed by the Hotel Operators' Occupation Tax Act may reimburse themselves for their tax liability under the Act by separately stating the tax as an additional charge that may be stated in combination, in a single amount, with any locally imposed hotel operators' occupation tax.
- 6) Any amount added to a taxable rental charge and collected because of the tax also represents a portion of the gross rental receipts that are subject to the tax. However, the tax rate, instead of being a flat 6% of total receipts, has been adjusted by the General Assembly to be 5% of 94% plus 1% of 94% of total receipts, in order to avoid the payment of tax on amounts added to rental charges because of the tax.
- 7) [Persons who engage in the business of renting, leasing or letting of rooms that are not subject to tax under the Hotel Operators' Occupation Tax Act \(e.g., the rentals are only to permanent residents or the rentals are exempt as provided in subsection \(b\)\(8\)\) are not required to register and remit the tax imposed by the Hotel Operators' Occupation Tax Act.](#)

b) Scope of the Tax – Examples of Taxability and Exemption

- 1) Since the Hotel Operators' Occupation Tax is imposed on receipts from renting rooms for living quarters, or for sleeping or housekeeping accommodations, the tax does not apply to the receipts from the renting of

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rooms for other purposes, such as for use as display rooms or sample rooms, as meeting rooms, as offices or as private dining rooms.

- 2) Since the tax is limited to the renting of rooms to the "public", a private club that restricts its renting of rooms to its members and their guests would not be liable for the tax on its rental receipts from those rooms.
- 3) The business of renting rooms to the public for use as living quarters, or for sleeping or housekeeping accommodations, is subject to the tax even if the person paying for the room may be a church [\(except as provided in subsection \(b\)\(8\)\)](#), charity or school or some other kind of nonprofit organization, and even if the person paying for the room may be a governmental agency or instrumentality (federal, State or local, or even a foreign government).
- 4) There is no exemption simply because the lessor of the rooms is a nonprofit organization, such as a church [\(except as provided in subsection \(b\)\(8\)\)](#), charity or school. However, a college or other school is not subject to the tax on its receipts from renting rooms to its students for use as living quarters or for sleeping or housekeeping accommodations because this is not the renting of the rooms to the "public". Nevertheless, if the school rents rooms for these purposes to persons who are not enrolled with the school in courses of study for credit, that renting is not being done to students, but is being done to the "public", and the school incurs Hotel Operators' Occupation Tax liability on its rental receipts from this activity, if the lessees do not qualify as permanent residents.
- 5) Likewise, the renting of rooms on a transient basis to the public for use as living quarters or sleeping or housekeeping accommodations when the lessor is a charitable organization, such as the Y.M.C.A. or the Y.W.C.A., is subject to the Hotel Operators' Occupation Tax.
- 6) If an operator should make a separate and specific charge for the use of bedding or other facilities furnished in connection with the use of a room as living quarters or for sleeping or housekeeping accommodations, the operator's additional receipts from this source are subject to the Hotel Operators' Occupation Tax. However, that tax does not apply to the operator's receipts from selling food, beverages or other tangible personal property, nor to receipts from the selling of tickets to theatre performances

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or other similar activities, nor to other receipts that are not in any way reasonably connected with or attributable to the renting, leasing or letting of rooms for use as living quarters or for sleeping or housekeeping accommodations; provided that exemption for nontaxable receipts cannot be claimed unless supported by proper books and records as provided for in Section 4 of the Hotel Operators' Occupation Tax Act and in Section 480.115.

- 7) The Hotel Operators' Occupation Tax is not imposed upon gross rental receipts for which the hotel operator is prohibited from obtaining reimbursement for the tax from the customer by reason of a federal treaty (Section 3 of the Act). Under the Vienna Convention, some foreign diplomats are not required to pay reimbursement charges that are similar in nature to taxes.
 - A) The exemption for rentals to certain diplomatic personnel applies only to diplomatic personnel possessing certain types of diplomatic tax exemption cards issued by the U.S. Department of State, Office of Foreign Missions. There are 2 types of diplomatic tax exemption cards: personal tax exemption cards and mission tax exemption cards. For each of these categories, 2 types of color-coded cards are issued: a blue-striped card that allows an individual or mission to make purchases exempt from all sales and use taxes and taxes on hotel rooms and a striped card of one of several other colors (yellow, green, red, or red-green) that allows an individual or mission to make tax-exempt purchases in all purchase categories except for the restricted purchase categories printed on the colored stripe. In June 2011, the Office of Foreign Missions began issuing newly designed diplomatic tax exemption cards. In addition, the American Institute in Taiwan/Washington issues Mission Tax Exemption Cards and Personal Tax Exemption Cards to officials of the Taipei Economic and Cultural Representative Office. For examples of these cards, see 86 Ill. Adm. Code 130.Illustration A.
 - B) In documenting this exemption, a hotel operator must obtain the mission's name, the card holder's name, the exemption number, the expiration date, and a photocopy of the diplomatic card.

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8) Exemption from Hotel Operators' Occupation Tax

A) Effective July 1, 2017, the Hotel Operators' Occupation Tax is not imposed upon gross rental receipts received by an entity that is organized and operated exclusively for religious purposes and possesses an active Exemption Identification Number (ExIN) issued by the Department pursuant to the Retailers' Occupation Tax Act when acting as a hotel operator renting, leasing, or letting rooms:

i) in furtherance of the purposes for which it is organized; or

ii) to entities that:

- are organized and operated exclusively for religious purposes;
- possess an active ExIN issued by the Department pursuant to the Retailers' Occupation Tax Act; and
- rent the rooms in furtherance of the purposes for which they are organized.

B) No gross rental receipts are exempt under subsection (b)(8)(A) unless the hotel operator obtains the active ExIN from the exclusively religious entity to whom it is renting and maintains that number in its books and records.

C) Gross rental receipts from all rentals other than those described in subsection (b)(8)(A) are subject to the tax imposed by the Hotel Operators' Occupation Tax Act, unless otherwise exempt under that Act. [35 ILCS 145/3(d-5)]

EXAMPLE 1: A religious organization is organized and operated exclusively for religious purposes and has an active ExIN. It operates a retreat center and organizes and conducts a 3-day marriage counseling seminar and rents rooms to the participants of the seminar. The seminar is in furtherance of its organizational

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purposes. The receipts from these rentals are not subject to the Hotel Operators' Occupation Tax under subsection (b)(8)(A).

EXAMPLE 2: Religious Organization A is organized and operated exclusively for religious purposes and has an active ExIN. It operates a retreat center and rents a block of rooms to Religious Organization B. Religious Organization B is organized and operated exclusively for religious purposes, possesses an active ExIN, and provides rooms to the participants of a spiritual seminar it has organized and will conduct. The seminar furthers the organizational purposes of Organization B. Organization A's receipts from these rentals are not subject to the Hotel Operators' Occupation Tax under subsection (b)(8)(A). In this Example, if the rooms are paid for by the individual participants and not by Organization B, Organization A must keep records demonstrating that the individual to whom the room was rented was a participant in the seminar conducted by Organization B. If Organization A does not keep these records, the receipts from those rentals are taxable.

EXAMPLE 3: Religious Organization A is organized and operated exclusively for religious purposes and has an active ExIN. It operates a retreat center. Religious Organization A's organizational documents demonstrate it is organized, in part, to partner with school districts to provide one-on-one support to students to help them overcome the educational and societal challenges they face both in and out of school. Organization B is a not-for-profit organization that provides funds and support to school districts that serve at-risk students. Religious Organization A rents a block of rooms to Organization B for participants attending a seminar conducted by Organization B for educators of at-risk youth. Because the seminar conducted by Organization B is in furtherance of Organization A's organizational purposes, the receipts from the rental to Organization B are not subject to the Hotel Operators' Occupation Tax under subsection (b)(8). In this Example, Religious Organization A must keep records demonstrating that the seminar was in furtherance of its organizational purposes (e.g., a copy of its charter, mission statement, and by laws, as well as any brochures or agendas

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pertaining to the seminar). In addition, if the rooms are paid for by the individual participants and not by Organization B, Religious Organization A must keep records demonstrating that the individual was a participant in the seminar conducted by Organization B (e.g., a copy of the seminar's sign-in sheet).

EXAMPLE 4: A religious organization operates a retreat center, is organized and operated exclusively for religious purposes, and has an active ExIN. It rents a block of rooms to persons attending a wedding reception at the center or rents a block of rooms to a not-for-profit organization that conducts a sports-medicine seminar. The receipts from either of these rentals do not qualify for the exemption in subsection (b)(8)(A) because the rentals are neither made in furtherance of the organizational purposes of the religious organization operating the retreat center, nor made to a religious organization organized and operated exclusively for religious purposes that has an active ExIN.

D) Records

- i) When a religious organization that has an active ExIN operates a retreat center, conducts an event in furtherance of its organizational purposes, and rents rooms to persons attending that event, the religious organization must obtain and maintain the following: documents demonstrating the nature of the event (e.g., brochures, pamphlets, or agendas of the event); documents demonstrating how the rental of the rooms was in furtherance of its organizational purposes (e.g., a copy of the religious organization's mission statement or charter); and the dates of the room rentals.
- ii) When a religious organization that has an active ExIN operates a retreat center and rents rooms to an entity organized and operated exclusively for religious purposes with an active ExIN that conducts an event in furtherance of its organizational purposes, the religious organization operating the retreat center must obtain and maintain the following: the name, address, and phone number or email of the renting religious organization conducting the event;

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the renting religious organization's active ExIN; documents demonstrating the nature of the event (e.g., brochures, pamphlets, or agendas of the event); a certification that the room rentals were in furtherance of the organizational purposes of the renting religious organization; the dates of the room rentals; and any contracts between the retreat center and the religious organization that rented the rooms.

- iii) When a religious organization that has an active ExIN operates a retreat center and is not conducting an event at the center but rents to another organization that conducts an event that furthers the organizational purposes of the retreat center's religious organization, the religious organization operating the retreat center must obtain and maintain the following: the name, address, and phone number or email of the renting organization conducting the event; documents demonstrating the nature of the event (e.g., brochures, pamphlets, or agendas); a certification by the religious organization operating the retreat center that the room rentals by the renting organization were in furtherance of the retreat center's organizational purposes, and documents demonstrating how the rental of the rooms was in furtherance of the retreat center's organizational purposes (e.g., the retreat center's mission statement or charter); the dates of the room rentals; and any contracts between the religious organization operating the retreat center and the renting organization conducting the event.

c) How to Compute Applicable Tax Rate or Effective Date of New Tax

- 1) For the purposes of the Hotel Operators' Occupation Tax Act, any tax liability incurred in respect to the renting, leasing or letting of rooms in a hotel shall be computed by applying, to the gross receipts from the renting, leasing or letting, the tax rate in effect as of the date the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms. Deposits paid in advance shall be deemed to be received as rental receipts when the specific room or rooms to which the deposit is applied as rent shall be deemed to be rented, leased or let within the meaning of the preceding sentence.

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- 2) Likewise, when something that has been exempted becomes taxable as to room renting, leasing or letting that occurs on or after some particular date, the date of renting, leasing or letting for this purpose shall be deemed to be the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms.

(Source: Amended at 44 Ill. Reg. 16471, effective September 25, 2020)

Section 480.105 Definitions

"Hotel" means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses, ~~and~~ apartment houses, [hunting lodges, camps, cabins, and third-party platform rentals of apartments, houses, and rooms](#).

"Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

"Operator" means any person operating a hotel.

"Permanent resident" means any person who occupied or has the right to occupy any room or rooms, regardless of whether it is the same room or rooms, in a hotel for at least 30 consecutive days.

"Rent" or "rental" means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

"Room" or "rooms" means any living quarters, sleeping or housekeeping accommodations.

(Source: Amended at 44 Ill. Reg. 16471, effective September 25, 2020)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Court of Claims Regulations
- 2) Code Citation: 74 Ill. Adm. Code 790
- 3) Section Number: 790.40 Adopted Action: Amendment
- 4) Statutory Authority: Authorized by Section 9A and implementing the Court of Claims Act [705 ILCS 505].
- 5) Effective Date of Rule: September 25, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 5722; April 3, 2020
- 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 changes were requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Pursuant to this amendment, for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, issued on March 9, 2020 and for a period of 30 days thereafter, the statute of limitations for filing claims with the Illinois Court of Claims is tolled.
- 16) Information and questions regarding this adopted rule shall be directed to:

OFFICE OF THE SECRETARY OF STATE

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Secretary of State
Pamela Wright
298 Howlett Building
Springfield IL 62756

217/785-3094
pwright@ilsos.gov

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 74: PUBLIC FINANCE
CHAPTER VI: COURT OF CLAIMSPART 790
COURT OF CLAIMS REGULATIONS

SUBPART A: COURT OF CLAIMS RULES

Section

790.10	Terms of Court
790.20	Pleadings and Practice
790.25	Rule References
790.30	Pleadings – Forms
790.40	Procedure
790.50	Complaint-Required Provisions
790.55	Discovery
790.60	Exhaustion of Remedies
790.70	General Continuance – Status Report
790.80	Death of Claimant
790.90	Dismissal
790.100	Answer by Respondent
790.110	Hearings – Assignments and Continuances
790.120	Transcript of Evidence
790.130	Costs of Evidence
790.140	Departmental Records and Reports – Prima Facie Evidence
790.150	Medical Examination of Claimant
790.155	Subpoenas
790.160	Excerpts from the Record
790.170	Briefs
790.180	Excerpts and Briefs – Time for Filing
790.190	Extension of Time
790.200	Motions
790.210	Oral Argument of Case
790.220	Rehearing or New Trial
790.230	Rehearing – Procedure (Repealed)
790.240	New Trial (Repealed)
790.250	Records – Calendar
790.260	Dismissal for want of Prosecution
790.270	Fees and Costs

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

SUBPART B: ADOPTION AND EFFECTIVE DATES

Section

790.280 Adoption and Effective Dates

AUTHORITY: Authorized by Section 9A and implementing the Court of Claims Act [705 ILCS 505].

SOURCE: Rules of the Court of Claims, filed and effective July 1, 1975; codified at 6 Ill. Reg. 2111; recodified at 6 Ill. Reg. 2594; amended at 24 Ill. Reg. 8228, effective July 1, 2000; amended at 32 Ill. Reg. 12315, effective July 18, 2008; amended at 40 Ill. Reg. 7314, effective April 29, 2016; emergency amendment at 44 Ill. Reg. 5815, effective March 20, 2020, for a maximum of 150 days; emergency expired August 16, 2020; amended at 44 Ill. Reg. 16482, effective September 25, 2020.

SUBPART A: COURT OF CLAIMS RULES

Section 790.40 Procedure

- a) **Filing.** Cases shall be commenced by the filing of a verified complaint with the Clerk of the Court. A party filing a case shall be designated as the claimant, and either the State of Illinois or the appropriate State agency (Section 8(d), Court of Claims Act [705 ILCS 505/8(d)]) shall be designated as the respondent. The Clerk will note on the complaint, and each copy, the date of filing, and deliver one of the copies to the Attorney General or to the legal counsel of the appropriate State agency. Joinder of claimants in one case is permitted, as provided by the Code of Civil Procedure [735 ILCS 5].
- b) **Attorney of Record.** In all cases filed in this Court, all claimants not appearing pro se must be represented of record by a member of the Illinois bar. Permission for an out-of-state attorney to appear will require compliance with Supreme Court Rules 707, 718 and 756, governing out-of-state attorneys' authorization to practice. If the name of an attorney, his address, and telephone number appear on a complaint, no written appearance for such attorney need be filed, but withdrawal and substitution of attorneys shall be by written motion, with proof of service upon the claimant, and filed in the case.
- c) **Complaint-form.** The complaint shall be captioned substantially as follows:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

IN THE COURT OF CLAIMS OF THE
STATE OF ILLINOIS

A.B.,))	
Claimant))	
vs.))	No. _____
))	\$ _____
STATE OF ILLINOIS (or))	Amount Claimed
the appropriate))	
State Agency),))	
))	
Respondent))	

- d) Pursuant to the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, the statute of limitations for filing claims in the Illinois Court of Claims, as referenced in 705 ILCS 22, and the Notice provision of 705 ILCS 22-1 is tolled for the pendency of this disaster and for a period of 30 days thereafter.

(Source: Amended at 44 Ill. Reg. 16482, effective September 25, 2020)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Certificate of Titles, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.540 Adopted Action: Amendment
- 4) Statutory Authority: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].
- 5) Effective Date of Rule: September 25, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 3341; March 6, 2020
- 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 changes requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1010.240	Amendment	44 Ill. Reg. 11750; July 17, 2020
1010.630	New Section	44 Ill. Reg. 11750; July 17, 2020

- 15) Summary and Purpose of Rulemaking: These changes to the administrative rule updates the fee participating entities are allowed to assess on customers wishing to take advantage of renewing license plates/stickers at their local businesses who participate in the over-

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the-counter program. The fee was set at \$7.50 six years ago. This 13% increase is intended to offset the increased cost of doing business incurred over the past six years by the vendors participating in the over-the-counter sales of license plates and registration renewal stickers. Having outside vendors selling the plates and stickers greatly reduces the number of individuals who come to SOS facilities for these types of transactions. Therefore, it is in the interests of our office and our customers to keep the over-the-counter sales program financial viable for the vendors.

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

Secretary of State
Pamela Wright
298 Howlett Building
Springfield IL 62756

217/785-3094
pwright@ilsos.gov

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond
1010.193	Procedures for Application for Title for Vehicles Purchased at Mechanic's Lien Sales
1010.195	Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration

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1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State
1010.245	Electronic Registration and Titling (ERT) Program Provisions
1010.250	Applications For Reassignment

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CANCELLATION OF REGISTRATION

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1010.300	Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
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1010.420	Temporary Permit Pending Registration In Illinois
1010.421	Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
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1010.457	Korean War Veteran License Plates
1010.458	Collegiate License Plates
1010.459	Universal Plate Decal
1010.460	Special Plates for Members of the United States Armed Forces Reserves
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1010.480	State of Illinois In-Transit Plates

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Section	
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1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees
1010.550	Determining Age of Vehicle

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1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
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1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
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1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B International Registration Plan
1010.APPENDIX C Affirmation Supporting Salvage Certificate
1010.APPENDIX D Specialty License Plates Request Form

AUTHORITY: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg.

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4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012; emergency amendment at 36 Ill. Reg. 17580, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4340, effective March 22, 2013; amended at 37 Ill. Reg. 8941, effective June 14, 2013; amended at 37 Ill. Reg. 12578, effective July 17, 2013; amended at 39 Ill. Reg. 5106, effective March 20, 2015; amended at 42 Ill. Reg. 212, effective December 19, 2017; amended at 42 Ill. Reg. 14450, effective July 23, 2018; amended at 43 Ill. Reg. 3945, effective March 15, 2019; amended at 44 Ill. Reg. 2014, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5831, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6641, effective April 9, 2020, for the remainder of the 150 days; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11595, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11890, effective June 30, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16487, effective September 25, 2020.

SUBPART F: FEES

Section 1010.540 Fees

- a) Over-the-Counter Sales Program
In addition to any fee set forth in subsection (b), an entity participating in the over-the-counter program may charge an applicant for motor vehicle renewal license plates and/or stickers ~~\$9.50~~~~\$7.50~~. No additional charge shall be imposed upon the applicant by any such person, firm, corporation or private institution, or its authorized agent for distribution of motor vehicle renewal license plates and/or stickers. The term Financial Institution, for the purposes of this Section, shall mean any federal or State chartered bank, savings and loan, credit union, armored carrier, and any currency exchange either directly or indirectly through an armored carrier.
- b) Electronic Registration and Titling
 - 1) Vendors participating in the Electronic Registration and Titling (ERT) program may charge customers a fee for the optional service of

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electronically processing their vehicle titling and registration or data and for providing registration plates or stickers. The maximum fee to be imposed upon a customer utilizing the ERT services shall be \$25, in addition to any other fee permitted by law or rule. However, if the ERT services are used solely for renewing vehicle registrations, the maximum fee imposed shall be that set forth in subsection (a). The actual ERT fee allowed to be charged by vendors shall be set out in the agreement between the Secretary of State and the ERT service provider and in the agreements between the ERT service provider and the vendors. One of the two following methods shall be used to identify the fee:

- A) the fee shall be identified on the bill of sale, receipt or any other sales documents as "Optional ERT Fee". The "Optional ERT Fee" language shall be distinguished from other language with the use of bold, colored, italic or underscored type or by using a larger font, but in no case may the font size be smaller than that required by the Motor Vehicle Retail Installment Sales Act [815 ILCS 375]. If this method is used, not later than July 1, 2006, all pre-printed bills of sale, receipts or other sales documents shall identify the fee as "Optional ERT Fee" in bold type; or
 - B) the fee shall be identified on a separate document, including the phrase "Optional Electronic Registration Fee", using a font size not smaller than that required by the Motor Vehicle Retail Installment Sales Act and with a signature line indicating the customer's acceptance or rejection of the option of paying the fee.
- 2) A service provider may charge vendors up to \$10 for each ERT transaction. The maximum ERT fee to be imposed on the customer may not exceed the amount actually charged by the service provider to the vendor plus an amount equal to 1.5 times the amount actually charged by the service provider to the vendor, and, therefore, the maximum fee to be imposed upon a customer utilizing the ERT services shall be \$25, in addition to any other fee permitted by statute or rule.

(Source: Amended at 44 Ill. Reg. 16487, effective September 25, 2020)

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Records of Offenders
- 2) Code Citation: 20 Ill. Adm. Code 107
- 3) Section Number: 107.210 Emergency Action: Amendment
- 4) Statutory Authority: Implementing 730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6 and 705 ILCS 405/1-7 and authorized by 730 ILCS 5/3-7-1.
- 5) Effective Date of Rule: September 24, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendment will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: September 22, 2020
- 8) The Department maintains a copy of the emergency rule including any reference materials in its principal office in Springfield, IL and is available for public inspection.
- 9) Reason for Emergency: To further the efforts of IDOC to take all necessary steps, consistent with public health guidance, to prevent the spread of COVID-19 in Department facilities, the emergency rulemaking provides additional means to reduce the population.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking expands the criteria under which an offender must serve before being considered for an award of earned discretionary sentence credit to include time served in county jail due to the Governor's Executive Order suspending transfers to IDOC.
- 11) Are there any rulemakings to this Part pending? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
107.210	Amendment	44 Ill. Reg. 13205; August 14, 2020
107.510	Amendment	44 Ill. Reg. 13205; August 14, 2020
107.520	Amendment	44 Ill. Reg. 13205; August 14, 2020
107.526	New Section	44 Ill. Reg. 13205; August 14, 2020

ILLINOIS DEPARTMENT OF CORRECTIONS

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- 12) Statement of Statewide Policy Objective: This rulemaking does not impact, create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding this rule shall be directed to:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507
echo.beekman@doc.illinois.gov

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

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

CHAPTER I: DEPARTMENT OF CORRECTIONS

SUBCHAPTER a: ADMINISTRATION AND RULES

PART 107

RECORDS OF OFFENDERS

SUBPART A: ADMISSION DOCUMENTS

Section

107.10	Applicability
107.15	Responsibilities
107.17	Definitions
107.20	Required Admission Documents

SUBPART B: DIMINUTION OF SENTENCE

Section

107.100	Applicability
107.105	Responsibilities
107.107	Definitions
107.110	Diminution of Felony Sentences
107.120	Good Time Schedules and Sentence Credit Applicable to Felony Sentences
107.130	Consecutive Sentences
107.140	Concurrent Sentences
107.142	Earned Discretionary Sentence Credit
107.145	Earned Program Sentence Credit
107.150	Revocation of Time and Credit
107.160	Restoration of Time and Credit
107.170	Institution Credits (Repealed)
107.180	Misdemeanant Good Time Allowance (Repealed)
107.190	Reporting of Earned Sentence Credit

SUBPART C: MERITORIOUS GOOD TIME, SUPPLEMENTAL SENTENCE CREDIT,
AND EARNED DISCRETIONARY SENTENCE CREDIT

Section

107.200	Applicability
107.205	Responsibilities

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENT

- 107.207 Definitions
107.210 Awarding of Earned Discretionary Sentence Credit
EMERGENCY
107.220 Reporting of Supplemental Sentence Credit (Repealed)
107.230 Revocation and Restoration of Earned Discretionary Sentence Credit

SUBPART D: MAINTENANCE OF RECORDS

- Section
107.300 Applicability
107.305 Responsibilities
107.307 Definitions
107.310 Access to Records
107.320 Disclosure of Master Record File Material for Youth Committed to the Juvenile Division – Court Agreement
107.330 Release of Clinical Records to Offenders and Authorized Attorneys (Adult Facilities Excluding Transition Centers) – Court Agreement
107.340 Release of Clinical Records to Offenders and Authorized Attorneys (Transition Centers)

SUBPART E: ACCESS AND REVIEW OF
CRIMINAL HISTORY RECORD INFORMATION

- Section
107.400 Applicability
107.405 Responsibilities
107.410 Definitions
107.420 Right to Access and Review
107.430 Requests for Access and Review
107.440 Challenge of Record

SUBPART F: HIGH SCHOOL EQUIVALENCY
AND PROGRAM SENTENCE CREDIT

- Section
107.500 Applicability
107.505 Responsibilities
107.510 Definitions
107.520 Eligibility for Earned Program Sentence Credit

ILLINOIS DEPARTMENT OF CORRECTIONS

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107.525	High School Equivalency (HSE) Earned Program Sentence Credit
107.530	Goal Statements
107.540	Program Goals
107.550	Goal Periods
107.560	Award of High School Equivalency Earned Program Sentence Credit and Program Sentence Credit
107.570	Revocation and Restoration of Earned Program Sentence Credit

AUTHORITY: Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6 of the Unified Code of Corrections [730 ILCS 5] and Section 1-7 of the Juvenile Court Act of 1987 [705 ILCS 405] and authorized by Section 3-7-1 of the Unified Code of Corrections. Subparts B and F are also implementing two Supreme Court rulings (Barger v. Peters, 163 Ill.2d 357, 645 N.E.2d 175, 1994 and State of Illinois v. Jameson, 162 Ill.2d 282, 642 N.E.2d 1207, 1994. Subpart D is also implementing two Consent Decrees (Beavers vs. Sielaff, #75 C 317, N.D. Ill., 1977, and Lower vs. Franzen, #78 C 1870, N.D. Ill., 1980) and Section 8-802 of the Code of Civil Procedure [735 ILCS 5].

SOURCE: Adopted at 8 Ill. Reg. 14572, effective August 1, 1984; amended at 10 Ill. Reg. 20497, effective January 1, 1987; amended at 13 Ill. Reg. 6992, effective May 1, 1989; emergency amendment at 14 Ill. Reg. 12273, effective July 17, 1990, for a maximum of 150 days; modified in response to an objection of the Joint Committee on Administrative Rules at 14 Ill. Reg. 15600, not to exceed the 150 day time limit of the original rulemaking; amended at 14 Ill. Reg. 18461, effective November 1, 1990; emergency amendment at 14 Ill. Reg. 20074, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5638, effective April 15, 1991; emergency amendment at 17 Ill. Reg. 16215, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2939, effective February 14, 1994; amended at 20 Ill. Reg. 6745, effective May 5, 1996; amended at 37 Ill. Reg. 1598, effective February 1, 2013; recodified at 42 Ill. Reg. 16362; amended at 43 Ill. Reg. 3217, effective March 1, 2019; emergency amendment at 44 Ill. Reg. 6091, effective April 7, 2020, for a maximum of 150 days; emergency expired September 3, 2020; emergency amendment at 44 Ill. Reg. 16495, effective September 24, 2020, for a maximum of 150 days.

SUBPART C: MERITORIOUS GOOD TIME, SUPPLEMENTAL SENTENCE CREDIT,
AND EARNED DISCRETIONARY SENTENCE CREDIT

Section 107.210 Awarding of Earned Discretionary Sentence Credit
EMERGENCY

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- a) The Director, or his or her designee, may award eligible offenders additional credit up to a maximum of 180 days, in accordance with Section 3-6-3(a)(3) of the UCOC, for good conduct. However, offenders shall not be eligible to receive earned discretionary sentence credit, supplemental sentence credit, meritorious good time, or an aggregation of these credits:
 - 1) Greater than the statutory maximum during one term of incarceration.
 - 2) If the sentence credit reduces the sentence to less than:
 - A) 85% for offenders required to serve 85% of their sentence; or
 - B) 60% for offenders required to serve 75% of their sentence, except for the offense of gunrunning, which shall not be reduced less than 75%.
- b) In determining whether or not to award earned discretionary sentence credit, the Director, or his or her designee:
 - 1) Shall make a determination, either in written or electronic form, that the offender:
 - A) Is eligible, based on his or her holding offenses, to receive earned discretionary sentence credit;
 - B) Has served a minimum of 60 days of his or her sentence in the custody of the Department or is currently in the custody of the Department and has served a minimum of 60 days of his or her sentence when combining time served in county jail as a result of the Governor's Executive Order 2020-13 and subsequent orders suspending intakes;
 - C) Has received a risk and needs assessment administered with a validated instrument; and
 - D) Has met the eligibility criteria established in this Section.
 - 2) May examine or consider, among other matters:

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- A) The complete master record file of the offender, including, but not limited to, sentencing material including the facts and circumstances of the holding offense, disciplinary records, and reports or recommendations made concerning the offender.
 - B) Results of an available risk and needs assessment analysis or an evaluation from a validated instrument.
 - C) History of conviction for forcible felony as provided in Section 2-8 of the Criminal Code of 2012.
 - D) The assignment performance of the offender while in the custody of the Department.
 - E) Educational or program performance and achievements of the offender while in the custody of the Department.
 - F) Service to the Department, community or State.
 - G) Heroic action of the offender such as saving the life of an employee or other offender.
 - H) The offender's commitment to rehabilitation.
- c) The decision to award earned discretionary sentence credit shall be at the sole discretion of the Director or his or her designee.
- d) No offender shall be eligible to receive earned discretionary sentence credit if he or she:
- 1) Is serving a term of natural life or has been sentenced to death;
 - 2) Is serving a sentence for first degree murder or for the offense of terrorism;
 - 3) Has been found guilty of a 100-level disciplinary offense under 20 Ill. Adm. Code 504; or

ILLINOIS DEPARTMENT OF CORRECTIONS

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- 4) Has been found guilty of, or has a pending charge resulting from, a criminal offense committed during his or her current term of incarceration.
- e) No offender whose court sentencing order recommends substance abuse treatment for offenses committed on or after September 1, 2003 shall be awarded earned discretionary sentence credit unless:
 - 1) He or she participates in and completes a substance abuse treatment program; or
 - 2) The Director waives the requirement to participate in or complete the treatment program in specific instances in which the offender is not a good candidate for the program due to medical, programming or operations reasons. When substance abuse treatment is not available, offenders shall be placed on a waiting list for treatment. Offenders on a waiting list who are not placed in a substance abuse treatment program prior to release may be eligible for a waiver and receive earned discretionary sentence credit as determined by the Director or his or her designee.
- f) No offender who has been convicted of a sex offense, as defined in the Sex Offender Registration Act, committed on or after June 1, 2008 shall be awarded earned discretionary sentence credit unless he or she:
 - 1) Successfully completes or is participating in sex offender treatment as defined by the Sex Offender Management Board (see 20 Ill. Adm. Code 1905); or
 - 2) Receives a waiver due solely to lack of Department resources.
- g) Habitual juvenile offenders or violent juvenile offenders shall not be eligible for earned discretionary sentence credit.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 16495, effective September 24, 2020, for a maximum of 150 days)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Sports Wagering
- 2) Code Citation: 11 Ill. Adm. Code 1900
- 3) Section Number: 1900.1460 Emergency Action: New Section
- 4) Statutory Authority: Section 25-15 (b) of the Sports Wagering Act [230 ILCS 45/25-15 (b)] provides that: "The Board may adopt any rules the Board considers necessary for the successful implementation, administration, and enforcement of this Act, except for Section 25-70. Rules proposed by the Board may be adopted as emergency rules pursuant to Section 5-45 of the Illinois Administrative Procedure Act."
- 5) Effective Date of Rule: September 22, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed with the Index Department: September 22, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Illinois Gaming Board's principal office and is available for public inspection.
- 9) Reason for Emergency: The successful implementation of sports wagering and internet wagering systems requires constant regular updating of software systems for sports wagering. Such regular updating is not possible under current rule provisions. An emergency rule is necessary because multiple sports wagering and internet wagering systems are already online and operating within the State, and a comprehensive schema for ongoing deployment and periodic testing of updated software is required.
- 10) A Complete Description of the Subjects and Issues Involved: The current testing and certification rules for sports wagering systems are inadequate for addressing the reality of persistent software systems that must be regularly updated. Current rule provisions represent a combination of both of the existing casino and video gaming testing rules. They create a static system of initial testing and certification followed by installation, a model which has functioned for years handling individual video gaming terminals or electronic gaming devices but does not adequately serve the needs of either the Board or the industry with regard to sports wagering systems. Sports wagering systems, like any

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persistent software, need constant regular updates. Because of this, they do not fit the prior mold of one-time testing.

The present emergency rulemaking governs the ongoing development and updating of sports wagering and internet wagering systems by doing the following:

Requiring re-testing and certification of software every six months.

Requiring notification to the Administrator of any substantial changes to the system, with the opportunity for the Administrator to compel additional testing.

Permitting emergency changes to the sports wagering system in certain circumstances.

Requiring documentation of the change management process in the internal control system.

- 11) Are there any other rulemakings pending to this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 13) Information and questions regarding this emergency rule shall be directed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

IGB.RuleComments@igb.illinois.gov

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

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING

SUBTITLE E: SPORTS WAGERING

CHAPTER I: ILLINOIS GAMING BOARD

PART 1900

SPORTS WAGERING

SUBPART A: GENERAL PROVISIONS

Section

1900.110	Board Meetings
1900.120	Definitions
1900.130	Cooperation with Investigations
1900.150	Licenses Required
1900.160	Service Via E-Mail

SUBPART B: DUTIES OF LICENSEES

Section

1900.210	General Duties of All Licensees
1900.220	Continuing Duty to Report Information
1900.230	Duties of Master Sports Wagering Licensees
1900.240	Duties of Licensed Suppliers
1900.250	Duties of Management Services Provider Licensees
1900.260	Duties of Official League Data Providers
1900.270	Duties of Occupational Licensees

SUBPART C: STANDARDS OF CONDUCT

Section

1900.310	Grounds for Disciplinary Actions
1900.320	Economic Disassociation
1900.330	Record Retention
1900.340	Advertising and Marketing

SUBPART D: INVESTIGATING PROHIBITED CONDUCT

Section

1900.410	Reporting Prohibited Conduct
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ILLINOIS GAMING BOARD

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1900.420 Referral of Investigations

SUBPART E: LICENSING QUALIFICATIONS

Section

1900.500 Coverage of Subpart
1900.510 Suitability for Licensure
1900.520 Minimum Qualifications
1900.530 Identification and Requirements of Key Persons

SUBPART F: ONLINE LICENSE COMPETITIVE BIDDING

Section

1900.600 Coverage of Subpart
1900.610 Forms and Submissions
1900.620 Initial Competitive Selection
1900.630 Supplementary Competitive Selection

SUBPART G: LICENSING PROCEDURES

Section

1900.700 Coverage of Subpart
1900.710 Submission of Applications
1900.715 Disclosure of Ownership and Control
1900.720 Other Required Forms
1900.730 Licensing Procedures
1900.735 Issuance of License
1900.740 Renewal of Licenses
1900.750 Withdrawal of Applications and Surrender of Licenses
1900.755 Sports Facility Designee
1900.760 Transferability of Ownership Interest
1900.770 Annual Updates
1900.780 Recognition of Existing Board Licenses
1900.790 Temporary Operating Permits
1900.795 Temporary Identification Badge

SUBPART H: DENIALS OF APPLICATIONS

Section

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

1900.810	Coverage of Subpart
1900.815	Requests for Hearing
1900.820	Appearances
1900.825	Appointment of Administrative Law Judge
1900.830	Discovery
1900.835	Subpoenas
1900.840	Motions for Summary Judgment
1900.850	Proceedings
1900.860	Evidence
1900.870	Prohibition on Ex Parte Communication
1900.880	Sanctions and Penalties
1900.890	Transmittal of Record and Recommendation to the Board
1900.895	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART I: DISCIPLINARY PROCEEDINGS

Section	
1900.910	Coverage of Subpart
1900.915	Notice of Proposed Disciplinary Action
1900.920	Hearings in Disciplinary Action
1900.925	Appearances
1900.930	Appointment of Administrative Law Judge
1900.935	Discovery
1900.940	Subpoenas
1900.945	Motions for Summary Judgment
1900.950	Proceedings
1900.960	Evidence
1900.970	Prohibition on Ex Parte Communication
1900.980	Sanctions and Penalties
1900.990	Transmittal of Record and Recommendation to the Board
1900.995	Persons Subject to Proposed Orders of Economic Disassociation

SUBPART J: ACCOUNTING, RECORDS, AND DATA

Section	
1900.1000	Ownership Records
1900.1010	Accounting Records
1900.1020	Standard Financial and Statistical Records
1900.1030	Annual and Special Audits and Other Reporting Requirements

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- 1900.1040 Wagering Tax
- 1900.1050 Reserve Requirements

SUBPART K: CONDUCT OF WAGERING

- Section
- 1900.1100 Commencement of Wagering
- 1900.1110 Temporary Suspension of Wagering
- 1900.1120 Prohibited Wagering Activity
- 1900.1130 Requests to Prohibit
- 1900.1140 Authorized Events and Competitions
- 1900.1150 Placement of Wagers
- 1900.1160 Redemption of Wagers
- 1900.1170 Cancelled or Void Wagers
- 1900.1180 General Conduct of Wagering
- 1900.1190 House Rules

SUBPART L: CONDUCT OF ONLINE WAGERING

- Section
- 1900.1210 Internet Wagering – General
- 1900.1220 Sports Wagering Accounts
- 1900.1230 Client Requirements
- 1900.1240 Account Suspension
- 1900.1250 Responsible Gaming Limits

SUBPART M: TIER 2 WAGERING

- Section
- 1900.1310 General
- 1900.1320 Official League Data
- 1900.1330 Commercial Reasonableness

SUBPART N: EQUIPMENT AND TESTING

- Section
- 1900.1400 Technology Fee
- 1900.1410 Testing and Certification of Wagering Equipment
- 1900.1420 Wagering Equipment Requirements

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- 1900.1430 Internet Wagering System Requirements
1900.1440 Transfer, Maintenance and Disposal of Wagering Equipment
1900.1450 Sports Wagering System Requirements
[1900.1460 Software Change Management](#)
[EMERGENCY](#)

SUBPART O: INTERNAL CONTROLS

Section

- 1900.1500 General Requirements – Internal Control System
1900.1510 Approval of Internal Control System
1900.1520 Minimum Standards for Internal Control Systems

SUBPART P: FACILITIES AND OPERATIONS

Section

- 1900.1610 Wagering Locations
1900.1620 Sports Facilities
1900.1630 Inter-track Wagering Locations
1900.1640 Surveillance Requirements
1900.1650 Required Surveillance Equipment
1900.1660 Signage
1900.1670 Occupational License Badges

SUBPART Q: SELF-EXCLUSION

Section

- 1900.1710 Self-Exclusion Program
1900.1720 Distribution and Availability of Confidential Self-Exclusion List
1900.1730 Duties of Licensees Regarding Self-Excluded Persons
1900.1740 Effect of Enrollment

AUTHORITY: Implementing and authorized by the Sports Wagering Act [230 ILCS 45].

SOURCE: Emergency rules adopted at 44 Ill. Reg. 314, effective December 19, 2019, for a maximum of 150 days; emergency rules adopted at 44 Ill. Reg. 2900, effective January 28, 2020, for a maximum of 150 days; emergency rule effective December 19, 2019 amended by emergency rulemaking at 44 Ill. Reg. 4062, effective February 26, 2020, for the remainder of the 150 days; emergency rule effective January 28, 2020 amended by emergency rulemaking at 44

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Ill. Reg. 4670, effective March 9, 2020, for the remainder of the 150 days; adopted at 44 Ill. Reg. 10581, effective June 4, 2020; emergency amendment at 44 Ill. Reg. 16503, effective September 22, 2020, for a maximum of 150 days.

SUBPART N: EQUIPMENT AND TESTING

Section 1900.1460 Software Change Management
EMERGENCY

- a) After testing, certification, and installation of a sports wagering system, any further changes to the software of the system must be in compliance with this Section.
- b) The sports wagering system must be tested and re-certified at least once every six months.
- c) Changes to the sports wagering system
 - 1) New core functions
 - A) A "core function" is any function related to the placement, recording, and resolution of wagers, or any other function or feature that affects the security, integrity, availability, or record keeping of the sports wagering system.
 - B) Any new core function must be tested and certified by the Administrator in accordance with Section 1900.1410 prior to installation on a live sports wagering system.
 - 2) Substantial changes to core functions
 - A) A "substantial change" is any change that directly affects the functionality of a core function.
 - B) A master sports wagering licensee shall notify the Administrator prior to the installation of any substantial change to a core function on a live sports wagering system. The notification shall include a clear identification of the core function that is affected, an

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explanation of the reason for the change, and an identification of any critical files affected.

- C) The Administrator or his or her designee may order that the substantial change be tested and certified in accordance with Section 1900.1410 prior to installation on a live sports wagering system.
- D) If the Administrator does not order testing and certification within three business days of the notification, the master sports wagering licensee may install the substantial change on the sports wagering system.

3) Changes to non-core functions

- A) A "non-core function" is any other function of a sports wagering system that is not identified as a core function.
- B) A master sports wagering licensee is not required to notify the Administrator of changes to non-core functions except when any such change is related to or impacts a core function.

4) Emergency Changes

- A) When an unanticipated incident occurs that causes a disruption in the collection, accuracy, integrity, or availability of the sports wagering system, the master sports wagering licensee must notify the Board in accordance with Sections 1900.1450(k).
- B) When such an incident is reported, the master sports wagering licensee may implement substantial changes to core functions of the sports wagering system without prior notification to the Administrator.
- C) Emergency changes must be documented in the change log and the master sports wagering licensee shall notify the administrator immediately upon implementation of any emergency changes.

5) Logging

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- A) All changes to the sports wagering system must be recorded on a change log.
 - B) The change log must include date, summary of change, requestor, implementer, and results.
 - C) The change log must be made available to the Board upon request.
- d) Each master sports wagering licensee shall include in its internal control system information detailing the software change management process for the sports wagering system, internet wagering system, client software, and any other software that is a component part of those systems. The internal control system must at minimum address the following:
 - 1) Process description
 - A) Roles in change management process.
 - B) Handling requests for change.
 - C) Change classification procedure.
 - 2) Writing release notes.
 - 3) Administrator Notification Process.
 - 4) Change logging.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 16503, effective September 22, 2020, for a maximum of 150 days)

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.252 Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) Effective Date of Rule: October 1, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: September 25, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 101-103 states that the maximum benefit levels provided to the Temporary Assistance for Needy Families (TANF) recipients shall increase annually beginning October 1, 2019 and shall be equal to at least 30% of the most recent poverty guidelines updated in the Federal Register by the United States Department of Health and Human Services. This rulemaking increases and structures payment levels (i.e. grant amounts) for the TANF program. This rule is an emergency rulemaking because it impacts the public interest, including the safety and welfare of TANF households.
- 10) A Complete Description of the Subject and Issues: PA 101-103 states that the maximum benefit levels provided to the Temporary Assistance for Needy Families (TANF) recipients shall increase annually and will be equal to at least 30% of the most recent federal poverty level guidelines. This rulemaking increases and structures payment levels (i.e. grant amounts) for the TANF program.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

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- 13) Information and questions regarding this emergency rule shall be directed to:

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

217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.55 Electronic Benefits Transfer (EBT) Restrictions
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative

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112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

- 112.70 Employment and Work Activity Requirements
- 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
- 112.72 Participation/Cooperation Requirements
- 112.73 Adolescent Parent Program (Repealed)
- 112.74 Responsibility and Services Plan
- 112.75 Teen Parent Personal Responsibility Plan (Repealed)
- 112.76 TANF Orientation
- 112.77 Reconciliation and Fair Hearings
- 112.78 TANF Employment and Work Activities
- 112.79 Sanctions
- 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
- 112.81 Responsible Relative Eligibility for JOBS (Repealed)
- 112.82 Supportive Services
- 112.83 Teen Parent Services
- 112.84 Employment Retention and Advancement Project
- 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section

- 112.86 Project Advance (Repealed)
- 112.87 Project Advance Experimental and Control Groups (Repealed)
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.90 Project Advance Sanctions (Repealed)
- 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
- 112.93 Individuals Exempt From Project Advance (Repealed)
- 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

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112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets (Repealed)

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- 112.152 Asset Disregards (Repealed)
- 112.153 Deferral of Consideration of Assets (Repealed)
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels – All Counties
- EMERGENCY
- 112.253 Payment Levels in Group II Counties (Repealed)
- 112.254 Payment Levels in Group III Counties (Repealed)
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

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- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section

- 112.350 Child Care (Repealed)
112.352 Child Care Eligibility (Repealed)
112.354 Qualified Provider (Repealed)
112.356 Notification of Available Services (Repealed)
112.358 Participant Rights and Responsibilities (Repealed)
112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364 Rates of Payment for Child Care (Repealed)
112.366 Method of Providing Child Care (Repealed)
112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

- 112.400 Transitional Child Care Eligibility (Repealed)
112.404 Duration of Eligibility for Transitional Child Care (Repealed)
112.406 Loss of Eligibility for Transitional Child Care (Repealed)
112.408 Qualified Child Care Providers (Repealed)
112.410 Notification of Available Services (Repealed)
112.412 Participant Rights and Responsibilities (Repealed)
112.414 Child Care Overpayments and Recoveries (Repealed)
112.416 Fees for Service for Transitional Child Care (Repealed)
112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg.

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33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being

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codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889,

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effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17,

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1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency

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amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; peremptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014; amended at 38 Ill. Reg. 17603, effective August 8, 2014; amended at 38 Ill. Reg. 18646, effective August 29, 2014; amended at 39 Ill. Reg. 15563, effective December 1, 2015; amended at 41 Ill. Reg. 395, effective January 1, 2017; amended at 42 Ill. Reg. 8295, effective May 4, 2018; emergency amendment at 42 Ill. Reg. 18495, effective October 1, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 327, effective December 20, 2018; amended at 43 Ill. Reg. 2081, effective January 24, 2019; emergency amendment at 43 Ill. Reg. 11704, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 14425, effective

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November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3251, effective February 5, 2020; amended at 44 Ill. Reg. 6960, effective April 16, 2020; amended at 44 Ill. Reg. 9929, effective May 20, 2020; amended at 44 Ill. Reg. 14692, effective August 26, 2020; emergency amendment at 44 Ill. Reg. 16513, effective October 1, 2020, for a maximum of 150 days.

SUBPART H: PAYMENT AMOUNTS

Section 112.252 Payment Levels – All Counties**EMERGENCY**

- a) The following Payment Levels are established for all counties.

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE AND CHILD(REN) PAYMENT LEVEL	CHILD ONLY PAYMENT LEVEL
1	\$ <u>319</u> 312	\$ <u>239</u> 234
2	<u>431</u> 423	<u>323</u> 317
3	<u>543</u> 533	<u>407</u> 400
4	<u>655</u> 644	<u>491</u> 483
5	<u>768</u> 754	<u>576</u> 566
6	<u>879</u> 865	<u>659</u> 649
7	<u>991</u> 975	<u>743</u> 731
8	<u>1,103</u> 1,086	<u>827</u> 815
9	<u>1,215</u> 1,196	<u>911</u> 897
10	<u>1,327</u> 1,307	<u>995</u> 980
11	<u>1,439</u> 1,417	<u>1,079</u> 1,063
12	<u>1,551</u> 1,528	<u>1,163</u> 1,146
13	<u>1,662</u> 1,638	<u>1,247</u> 1,229
14	<u>1,775</u> 1,749	<u>1,331</u> 1,312
15	<u>1,887</u> 1,859	<u>1,415</u> 1,394
16	<u>1,999</u> 1,970	<u>1,499</u> 1,478
17	<u>2,111</u> 2,080	<u>1,583</u> 1,560
18	<u>2,223</u> 2,191	<u>1,667</u> 1,643

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 16513, effective October 1, 2020, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Long-Term Care Assistants and Aide Training Programs Code
- 2) Code Citation: 77 Ill. Adm. Code 395
- 3) Section Number: 395.2 Emergency Action: New Section
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46].
- 5) Effective Date of Rule: September 25, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking will expire on November 2, 2020.
- 7) Date Filed with the Index Department: September 25, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare". The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues Involved: This rulemaking extends the Temporary Nursing Assistant (TNA) Program to allow facilities to hire individuals to work as TNAs through November 2, 2020. The TNA Program was established to address the increasing need for trained health care workers during the COVID-19 pandemic. This rulemaking prohibits the hiring of any new TNAs after September 18, 2020.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

Elizabeth Paton
Acting DPH Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/785-9192
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 395
LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section

395.1 COVID-19 Emergency Provisions

EMERGENCY

[395.2 COVID-19 Emergency Provisions for Nursing Assistants](#)[EMERGENCY](#)

395.50 Definitions

395.55 Incorporated and Referenced Materials

395.100 Program Sponsor

395.110 Application for Program Approval

395.120 Review Process and Program Approval

395.130 Review of Approved Training Program

395.140 Inactive Status

395.150 Minimum Hours of Instruction

395.155 Train the Trainer Program (BNATP Only)

395.156 Train the Trainer Model Program (BNATP Only)

395.160 Instructor Requirements (BNATP Only)

395.162 Approved Evaluator (BNATP Only)

395.165 Program Coordinator (BNATP Only)

395.170 Program Operation (BNATP Only)

395.171 Health Care Worker Background Check

395.173 Successful Completion of the Basic Nursing Assistant Training Program

395.174 Successful Completion of the Direct Support Person Training Program

395.175 Program Notification Requirements (BNATP Only)

395.180 Department Monitoring (Repealed)

395.190 Denial, Suspension, and Revocation of Program Approval (BNATP Only)

395.200 Other Programs Conducted by Facilities (Repealed)

395.205 Program Sponsor (ANATP Only)

395.210 Application for Program Approval (ANATP Only)

395.215 Review Process and Program Approval (ANATP Only)

395.220 Review of Approved Program (ANATP Only)

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395.225	Inactive Status (ANATP Only)
395.230	Minimum Hours of Instruction (ANATP Only)
395.235	Instructor Requirements (ANATP Only)
395.240	Program Coordinator (ANATP Only)
395.245	Program Operation (ANATP Only)
395.250	Successful Completion of the Advanced Nursing Assistant Training Program (ANATP)
395.255	Program Notification Requirements (ANATP Only)
395.260	Denial, Suspension, and Revocation of Program Approval (ANATP Only)

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

Section	
395.300	Basic Nursing Assistant Training Program
395.305	Advanced Nursing Assistant Training Program
395.310	Developmental Disabilities Aide Training Program (Repealed)
395.320	Direct Support Person Training Program (BNATP Only)
395.330	Psychiatric Rehabilitation Services Aide Training Program
395.333	Waivered Psychiatric Rehabilitation Services Aide Training Program

SUBPART C: PROFICIENCY EXAMINATION

Section	
395.400	Competency Examination (BNATP Only)
395.405	Competency Examination (ANATP Only)

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46].

SOURCE: Adopted at 13 Ill. Reg. 19474, effective December 1, 1989; amended at 17 Ill. Reg. 2984, effective February 22, 1993; emergency amendment at 20 Ill. Reg. 529, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10085, effective July 15, 1996; amended at 22 Ill. Reg. 4057, effective February 13, 1998; amended at 25 Ill. Reg. 4264, effective March 20, 2001; amended at 26 Ill. Reg. 2747, effective February 15, 2002; ; amended at 26 Ill. Reg. 14837, effective October 15, 2002; amended at 37 Ill. Reg. 10546, effective June 27, 2013; amended at 42 Ill. Reg. 6727, effective March 29, 2018; amended at 44 Ill. Reg. 3455, effective February 21, 2020; emergency amendment at 44 Ill. Reg. 5946, effective March 25, 2020, for a maximum of 150 days; emergency expired August 21, 2020; emergency amendment at 44 Ill. Reg. 7936, effective April 21, 2020, for a maximum of

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150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16329, effective September 15, 2020, for the remainder of the 150 days; emergency amendment effective April 21, 2020, as amended September 15, 2020, expired September 17, 2020; emergency amendment at 44 Ill. Reg. 14350, effective August 24, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 16526, effective September 25, 2020 through November 2, 2020.

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section 395.2 COVID-19 Emergency Provisions for Nursing Assistants
EMERGENCY

- a) Temporary Nursing Assistant (TNA) Program. The Department is extending the Temporary Nursing Assistant Program through November 2, 2020 to address the increasing need for trained health care workers. Upon successful completion of the classroom education and on-the-job training requirements of the TNA Program, as set forth in this Section, individuals will be authorized to provide the patient and resident care services and perform the procedures set forth in subsection (a)(3), that would otherwise be reserved to Certified Nursing Assistants or licensed nurses.
- 1) In order to qualify as a TNA, the individual shall successfully complete at least 8 hours of classroom education on the services and procedures listed in subsection (a)(3), which:
 - A) Shall be taken in the facility of employment, or at an alternate location provided by the employer;
 - B) Shall be proctored by a Registered Professional Nurse (RN); and
 - C) Shall be satisfied by the successful completion of the American Health Care Association's 8-hour online training course, which can be accessed on its website at <https://educate.ahcancal.org/products/temporary-nurse-aide>. While not a requirement of the TNA Program, individuals are encouraged to review the instructional videos provided at <https://nurseaidetesting.com/program-coordinators-instructors/performance-skills-videos/> to better enhance their understanding of the skills required to be a competent TNA.

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- 2) In order to qualify as a TNA, the individual shall successfully complete at least 8 hours of on-the-job training in the services and procedures listed in subsection (a)(3), as follows:
- A) The training program instructor shall be an RN;
 - B) The training program instructor shall ensure that the student meets the competencies set forth on the clinical skills checklist (see subsection (a)(3)). The instructor shall document the competencies on the checklist;
 - C) All on-the-job training shall be under the direct observation of an RN; and
 - D) All on-the-job training shall be conducted at the facility of employment, which must be one that is licensed by the State of Illinois.
- 3) TNAs shall receive classroom and on-the-job training on how to provide the following patient/resident care services and procedures:
- A) Performance Skill #1 Wash Hands
 - B) Performance Skill #2 Perform Oral Hygiene
 - C) Performance Skill #3 Shave a Resident with an Electric Razor
 - D) Performance Skill #4 Give Partial Bath
 - E) Performance Skill #5 Give a Shower or Tub Bath
 - F) Performance Skill #6 Make Occupied Bed
 - G) Performance Skill #7 Dress a Resident
 - H) Performance Skill #8 Transfer Resident to Wheelchair Using a Transfer/Gait Belt
 - I) Performance Skill #9 Assist with Transfer Using Mechanical Lift

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- J) Performance Skill #10 Ambulate with Transfer Belt
- K) Performance Skill #11 Feed A Resident
- L) Performance Skill #12 Calculate Intake and Output
- M) Performance Skill #13 Place Resident in a Side-Lying Position
- N) Performance Skill #14 Measure and Record Temperature, Pulse and Respirations
- O) Performance Skill #15 Measure and Record Blood Pressure
- P) Performance Skill #16 Measure and Record Weight
- Q) Performance Skill #17 Measure and Record Height
- R) Performance Skill #18 Donning and Doffing Non-sterile Gloves
- S) Performance Skill #19 Choking: Heimlich Maneuver
- 4) TNAs shall only be authorized to provide the patient and resident care services and to perform the procedures set forth in subsection (a)(3).
- 5) TNAs shall report to the facility's charge nurse or nursing supervisor and may only be assigned duties authorized in this Section by the supervising nurses.
- 6) The facility shall notify its certified and licensed staff members, in writing, that TNAs may only provide the services and perform the procedures listed in subsection (a)(3). The notification shall detail what duties can be delegated to the TNAs.
- 7) If a facility learns that a TNA is performing work outside of the scope of this training, the facility shall:
 - A) Stop the TNA from performing the work;

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- B) Inspect the work and correct, if done improperly; and
- C) Assign the work to the appropriate personnel.
- 8) The Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955) shall apply to the TNA Program, and TNA students and employees shall be included on the Health Care Worker Registry.
- 9) This TNA Program is only authorized through November 2, 2020, after which time facilities may no longer employ an individual as a TNA.
- 10) TNAs are not eligible to take the Certified Nursing Assistant competency exam and may not work as a TNA after November 2, 2020. Individuals employed as a TNA may subsequently be employed by a facility as a nursing assistant consistent with the requirements of Section 300.660 of the Skilled Nursing and Intermediate Care Facilities Code. Hours worked as a TNA may count towards the requirement for clinical instruction of a Basic Nursing Assistant Training Program consistent with the Long-Term Care Assistants and Aides Training Programs Code.
- 11) No individual may be hired as a new TNA after September 18, 2020.
- b) The requirement in Section 395.400(b) that a student must pass the BNATP written competency examination within 12 months after the completion of the BNATP is suspended.

(Source: Former Section added by emergency rulemaking at 44 Ill. Reg. 7936, effective April 21, 2020, for a maximum of 150 days; emergency rule amended by emergency rulemaking at 44 Ill. Reg. 16329, effective September 15, 2020; emergency rule as amended expired September 17, 2020; new Section added by emergency rulemaking at 44 Ill. Reg. 16526, effective September 25, 2020 through November 2, 2020)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.160 Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5] and Section 2(b)(2) of the Illinois Identification Card Act [15 ILCS 335].
- 5) Effective Date of Emergency Rule: September 22, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, and as extended by subsequent proclamations, terminates, whichever occurs first.
- 7) Date Filed with the Index Department: September 22, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As the COVID-19 pandemic evolves, the Secretary of State continues to review its processes and procedures, as well as emergency and proposed rules that have been previously filed, to ensure the needs of the agency and the public are best met. Revised proposed rules in accordance with recent PA 101-640 are being filed.
- 10) A Complete Description of the Subjects and Issues Involved: This emergency amendment to emergency rule will clarify the period of extensions of drivers licenses for the senior citizens of Illinois. In addition, the SOS extends the expiration dates of driver's licenses, identification cards, and instruction permits which were expired as of the last day of the proclaimed disaster, and those which expire within the first 60 days following the last day of the proclaimed disaster an additional 110 days.
- 11) Are there any rulemakings to this Part pending? Yes

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NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1030.160	New Section	44 Ill. Reg. 5730; April 3, 2020
1030.88	Amendment	44 Ill. Reg. 9923; June 5, 2020
1030.83	Amendment	44 Ill. Reg. 13005; August 7, 2020
1030.92	Amendment	44 Ill. Reg. 13005; August 7, 2020

12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

13) Information and questions regarding this emergency rule shall be directed to:

Brenda Glahn
Senior Legal Advisor
298 Howlett Building
Springfield IL 62756

bglahn@ilsos.gov

The full text of the Emergency Amendment to Emergency Rule begins on the next page:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Standard Driver's License or Identification Card
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.8	Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card
1030.10	What Persons Shall Not Be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.26	Identification Cards for IDOC/IDJJ Applicants
1030.27	Identification Cards for Youth in Care
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening

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- 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
- 1030.80 Driver's License Testing/Written Test
- 1030.81 Endorsements
- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card
- 1030.160 Extension of Expiration Dates

EMERGENCY

- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-

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NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

105.1(a-5)
1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID
Compliant Driver's License or Identification Card

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 2] and Section 2(b)(2) of the Illinois Identification Card Act [15 ILCS 335/Ch. 2].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a

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NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at

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34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019; amended at 44 Ill. Reg. 2041, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5477, effective March 16, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 5839, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6650, effective April 9, 2020, for the remainder of the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 11603, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 10011, effective May 21, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 13823, effective August 7, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16534, effective September 22, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 12607, effective July 7, 2020.

Section 1030.160 Extension of Expiration Dates**EMERGENCY**

- a) Pursuant to the powers vested in him by Public Act 101-640, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as

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extended by subsequent disaster proclamations, and for a period of ~~110~~¹⁰⁰ days thereafter, the expiration dates of any driver's licenses, instruction permits, permits and identification cards which were expired as of the last day of the proclaimed disaster, and those which expire within the first 60 days following the last day of the proclaimed disaster. This extension applies to, but is not limited to, those documents set forth in the following statutes:

625 ILCS 5/6-105
625 ILCS 5/6-105.1
625 ILCS 5/6-107.1
625 ILCS 5/6-107.4
625 ILCS 5/6-115
625 ILCS 5/6-205
625 ILCS 5/6-206.1
625 ILCS 5/6-507.5
625 ILCS 5/6-106.1
625 ILCS 5/6-113(c)
15 ILCS 335/4
15 ILCS 335/8

- b) In recognition of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended by subsequent disaster proclamations, and pursuant to the authority set forth in Sections 6-115(a) and 6-115(g) of the Illinois Vehicle Code, the Secretary of State hereby extends for a period of 12 months the expiration date of all driver's licenses issued to Illinois residents:
- 1) who:
 - A) were at least 75 years of age as of January 1, 2020; or
 - B) attain the age of 75 during the year 2020; and
 - 2) whose driver's license expires during calendar year 2020.
- c) The extension period created in this subsection (b) shall run from the expiration date on the driver's license currently held by the individual driver and for a period of 12 months thereafter.

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- d) To be eligible for the extensions created in this Section, the individual's driver's license, instruction permits, permits and identification cards must be valid as of the expiration date on the driver's license currently held by the individual driver.
- e) All conditions and restrictions under which the driver's licenses, instruction permits, permits and identification cards were issued shall remain in full force and effect during the period of these extensions. The extension period may be rescinded by the Secretary of State through the adoption of an emergency rule.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13823, effective August 7, 2020, for the remainder of the 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 16534, effective September 22, 2020, for the remainder of the 150 days)

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Organization, Public Information, Procedures, and Rulemaking
- 2) Code Citation: 2 Ill. Adm. Code 3500
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
3500.325	Repealed
3500.350	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40].
- 5) Effective Date of Emergency Rules: September 25, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will not expire before the 150 day period elapses.
- 7) Date Filed with the Index Department: September 25, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Changes should have been made through the proposed rulemaking process, not the required rulemaking process.
- 10) A Complete Description of the Subjects and Issues Involved: The amendments remove the Commission's conflict of interest policy and changes to Convicted Person's Procedural Safeguards and Privileges originally adopted at 44 Ill. Reg. 13427, effective July 29, 2020. It is the Commission's intent to now adopt these changes through the proposed rulemaking process.
- 11) Are there any rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding these emergency rules shall be directed to:

Rob Olmstead

TORTURE INQUIRY AND RELIEF COMMISSION

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Illinois Torture Inquiry and Relief Commission
100 West Randolph Street
Suite 10-300
Chicago IL 60601

312/814-1094

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

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXV: TORTURE INQUIRY AND RELIEF COMMISSION

PART 3500

ORGANIZATION, PUBLIC INFORMATION, PROCEDURES AND RULEMAKING

SUBPART A: ORGANIZATION

Section

3500.10	Commission Members
3500.20	Chair of the Commission
3500.30	Terms of Members
3500.40	Compensation and Expenses
3500.50	Director
3500.60	Other Staff

SUBPART B: PUBLIC INFORMATION

Section

3500.210	Commission Records
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SUBPART C: PROCEDURES

Section

3500.310	Meetings
3500.320	Quorum
3500.325	Conflicts of Interest (Repealed)
EMERGENCY	
3500.330	Claim of Torture
3500.340	Initial Screening of Claim Form
3500.350	Waiver of Convicted Person's Procedural Safeguards and Privileges

[EMERGENCY](#)

3500.360	Informal Inquiry and Summary Dismissal
3500.370	Summary Referral (Repealed)
3500.375	Formal Inquiry
3500.380	Evidentiary Proceedings Before the Commission
3500.385	Decisions
3500.386	Factors Considered in Decisions

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

3500.390 Notification of Crime Victim
3500.395 Commission Reports to General Assembly and Governor

SUBPART D: RULEMAKING

Section
3500.410 Adoption of Rules

AUTHORITY: Implementing and authorized by the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40].

SOURCE: Adopted at 35 Ill. Reg. 15125, effective August 25, 2011; amended at 38 Ill. Reg. 18988, effective September 19, 2014; amended at 41 Ill. Reg. 3941, effective March 17, 2017; amended at 44 Ill. Reg. 13427, effective July 29, 2020; emergency amendment at 44 Ill. Reg. 16543, effective September 25, 2020, for a maximum of 150 days.

SUBPART C: PROCEDURES

Section 3500.325 Conflicts of Interest (Repealed)
EMERGENCY

- a) ~~A Commissioner shall disqualify himself or herself from an investigation or a proceeding where his or her impartiality might reasonably be questioned, including but not limited to the following instances:~~
- ~~1) The Commissioner has a personal bias or prejudice concerning a party or the party's lawyer;~~
 - ~~2) The Commissioner has personal knowledge of disputed evidentiary facts concerning the matter in controversy; "Personal knowledge" does not include facts learned pursuant to official duties as a Commissioner or agent of the Commission. A "disputed evidentiary fact" does not include facts generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.~~
 - ~~3) The Commissioner or staff member served as a lawyer in the matter in controversy, or took actions in the matter in controversy that were covered by the attorney-client privilege and the privilege was held by the claimant or the state;~~

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- 4) ~~The Commissioner served as a law enforcement agent investigating the matter in controversy; the duty to recuse does not extend to investigation undertaken as part of official TIRC duties to investigate or adjudicate a TIRC claim.~~
- 5) ~~The Commissioner advocated, as an attorney or otherwise, for or against the claimant or the state in the matter in controversy;~~
- 6) ~~The Commissioner served as a lawyer for a co-defendant of the claimant in the matter in controversy;~~
- 7) ~~The Commissioner could reasonably expect to be called as a material witness in the matter in controversy should an evidentiary hearing be held in any court of competent jurisdiction; the duty to recuse does not extend to knowledge gained as part of official TIRC duties to investigate or adjudicate a TIRC claim.~~
- 8) ~~Within the three years before a proceeding is considered before the Commission, the Commissioner was in the private practice of law with a law firm that currently represents or previously represented the claimant in the proceedings before TIRC;~~
- 9) ~~The Commissioner has an economic interest in the matter in controversy or the Commissioner knows that the Commissioner's spouse, parent, child, or member of the Commissioner's family residing with the Commissioner has an economic interest in the proceeding, or has anything other than a *de minimis* interest that could be substantially affected by the proceeding;~~
- 10) ~~The Commissioner or the Commissioner's spouse or any person within the third degree of relationship to either of them is:~~
 - A) ~~a party or former party to the proceeding;~~
 - B) ~~acting or has acted as a lawyer in the proceeding;~~
 - C) ~~is known to the Commissioner to have more than a de minimis interest in the proceeding that could be substantially affected by the proceeding; or~~

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- ~~D) is, to the Commissioner's knowledge, likely to be a material witness in the proceeding.~~

~~For purposes of this sub-subsection, "third degree of relationship" is defined as a great grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great grandchild, nephew or niece.~~

- ~~b) For purposes of sub-section (a) above, the "matter in controversy" includes but is not limited to the investigation of, prosecution of, defense of or adjudication of the claimant or his case in the underlying criminal investigation and court proceedings. It also includes the investigation of, prosecution of, defense of or adjudication of the claimant or his case in any civil lawsuit directly related to the underlying criminal investigation and court proceedings.~~
- ~~e) A Commissioner recusing himself or herself from a proceeding shall notify the Chair or Executive Director expeditiously after a conflict of interest is recognized so that other administrative arrangements may be made.~~
- ~~d) A Commissioner recusing himself or herself from a vote on a proceeding shall publicly announce his or her recusal prior to the vote. If the recusal occurs in closed session, the recusing Commissioner shall publicly announce the recusal at the first public meeting to consider the matter in controversy. An explanation of the reason for the recusal is encouraged but not required.~~

(Source: Repealed by emergency rulemaking at 44 Ill. Reg. 16543, effective September 25, 2020, for a maximum of 150 days)

Section 3500.350 Waiver of Convicted Person's Procedural Safeguards and Privileges
EMERGENCY

- a) If the Director determines that the Claim Form satisfies the requirements of the initial screening, the Director, or his or her designee, will obtain a properly signed and witnessed Waiver Form (see 20 Ill. Adm. Code 2000.Appendix C) from the convicted person before proceeding further.
- b) The *convicted person* must sign a written waiver in which the convicted person waives his or her procedural safeguards and privileges, including but not limited

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to the right against self-incrimination under the United States Constitution and the Constitution of the State of Illinois, only as those safeguards and privileges pertain to the offense for which the person was convicted and with respect to which the person is claiming torture. The convicted person must also agree to cooperate fully with the Commission and agree to provide full disclosure regarding the torture inquiry. The waiver does not apply to matters unrelated to a convicted person's claim of torture. [775 ILCS 40/40(b)]

- c) *The convicted person has the right to advice of counsel before the execution of the waiver and, if a formal inquiry is initiated, throughout the duration of the formal inquiry. If counsel represents the convicted person, the convicted person's counsel must be present at the signing of the waiver. [775 ILCS 40/40]*
- d) *If the convicted person is not represented by counsel, the Commission Chair shall determine if the person is indigent and, if so, enter an order providing for the appointment of counsel for the purpose of advising on the waiver and representing the convicted person throughout the remainder of the proceedings upon the claim at any waiver or interview session with the Commission. Appointment may be of a volunteer attorney acting in a pro bono capacity or paid for by TIRC. [775 ILCS 40/40]* The determination of indigency shall be made by having the convicted person complete and send to the Director an Application for Appointed Counsel Based Upon Indigency contained in 20 Ill. Adm. Code 2000.Appendix G. The Director shall furnish an Application to the convicted person upon request. The Director shall forward a properly completed Application to the Chair for purpose of making the decision regarding indigency.
- e) ~~Appointment of counsel for the claimant shall be only for the purpose of advising the claimant on any waiver forms and representing the claimant during any initial waiver/interview sessions necessary to secure the Waiver Form and initially interview the claimant, as well as for any necessary subsequent communication directly relating to the initial waiver/interview session. However, it is permissible for the appointed counsel to continue, at his or her discretion, to continue to represent the claimant for TIRC and other purposes on an unappointed basis.~~
- e~~f~~) If the convicted person refuses to sign the Waiver Form, the Director shall recommend to the Commission that the claim of torture be dismissed. The Commission shall vote to accept or reject the Director's recommendation by majority vote of the voting members appointed. At least 4 votes are required to accept a recommendation to dismiss a claim.

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- fg) If the Director determines that the Waiver Form has been properly signed and witnessed, the claim shall proceed to Informal Inquiry under Section 3500.360.
- h) ~~If a claimant is represented by counsel, contact with the claimant by the Commission shall be governed by Illinois Rule of Professional Conduct 4.2. If, after a claimant has signed the Waiver Form, it becomes necessary to re-interview an unrepresented, indigent claimant about substantive factual matters or to obtain additional waivers, counsel for an indigent claimant shall again be appointed for that purpose. Additional contact between the unrepresented, indigent claimant and the Commission about clerical or insubstantial matters may be conducted without reappointing counsel.~~

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 16543, effective September 25, 2020, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Peremptory Actions:</u>
121.60	Amendment
121.61	Amendment
121.63	Amendment
121.64	Amendment
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory rulemaking: These changes are being made to conform with Food and Nutrition Service regulations.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 6) Effective Date: October 1, 2020
- 7) A Complete Description of the Subjects and Issues involved: The changes in this rulemaking are the result of the Fiscal Year 2021 Cost-of-Living Adjustments to the SNAP standards and are required by Food and Nutrition Service regulations. This rulemaking increases the Maximum Gross and Net Income Standards, the Maximum Excess Shelter Deduction, the Standard Deduction by household size (except households with 1-3 persons will remain unchanged at \$160), and Maximum Monthly SNAP Allotments.

The minimum monthly allotment for 1-2 persons remains unchanged at \$16. In addition, the Homeless Shelter Standard is increased to \$156. This rulemaking also changes the amounts of the SNAP utility standards. The annual review of the State's utility standards, as mandated by Federal Regulations, determined an increase is warranted for the Air Conditioning/Heating Standard to \$496, the Limited Utility Standard to \$356, and the Single Utility Standard \$81. The Telephone Standard will increase to \$31.

Effective October 1, 2020, more applicants may qualify for SNAP due to the increase in the Maximum and Gross and Net Income Standards. Some active customers may see an increase in benefits due to the increase in the Excess Shelter Deduction, Standard Deduction, and Utility Standards.

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NOTICE OF PEREMPTORY AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: September 25, 2020
- 10) A copy of the peremptory rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any other rulemakings pending on this Part? No
- 13) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding these peremptory rules shall be directed to:

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section

121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
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SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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121.180	Grant Diversion Component (Repealed)
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121.186	Good Cause for Failure to Cooperate (Repealed)
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121.200	Types of Claims (Recodified)
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121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
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121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)
121.223	Work Experience Component (Repealed)
121.224	Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225	Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226	Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at

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8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective

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August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days;

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amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; peremptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; peremptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; peremptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; peremptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; peremptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum

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of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; preemptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; preemptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; preemptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; preemptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. 8310, effective May 4, 2018; amended at 42 Ill. Reg. 8505, effective May 8, 2018; preemptory amendment at 42 Ill. Reg. 18531, effective October 1, 2018; amended at 43 Ill. Reg. 360, effective December 20, 2018; preemptory amendment at 43 Ill. Reg. 11035, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days; emergency expired February 27, 2020; emergency amendment at 43 Ill. Reg. 14449, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3265, effective February 5, 2020; amended at 44 Ill. Reg. 5348, effective

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March 11, 2020; amended at 44 Ill. Reg. 6984, effective April 16, 2020; amended at 44 Ill. Reg. 9944, effective May 20, 2020; peremptory amendment at 44 Ill. Reg. 16551, effective October 1, 2020.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Households that are not categorically eligible whose net monthly income does not exceed the maximum monthly income standards shall be assigned SNAP benefits based on the net monthly SNAP income.
- b) The maximum net monthly income standards are:

Household Size	Amount
1	\$ <u>1,0641,041</u>
2	<u>1,4371,410</u>
3	<u>1,8101,778</u>
4	<u>2,1842,146</u>
5	<u>2,5572,515</u>
6	<u>2,9302,883</u>
7	<u>3,3043,251</u>
8	<u>3,6773,620</u>
Each additional member	<u>374369</u>

Derived from Office of Management and Budget non-farm income poverty guidelines.

(Source: Amended by peremptory rulemaking at 44 Ill. Reg. 16551, effective October 1, 2020)

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Section 121.61 Gross Monthly Income Eligibility Standards

- a) Gross Monthly Income Eligibility Standards
 - 1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)) for all households except categorical households as defined in Section 121.76. Households that do not contain an elderly, blind or disabled person shall be considered categorically eligible if the household's gross income is at or below 165% of the nonfarm income poverty guidelines. Elderly, blind or disabled households shall be considered categorically eligible if the household's gross income is at or below 200% of the nonfarm income poverty guidelines. Households containing a member who is elderly, blind or disabled that are not categorically eligible will be exempt from this gross income check (see also 7 CFR 273.9(c)), but must meet the net income standards in Section 121.60. To qualify for increased benefits, a household must contain a member who meets one of the following requirements:
 - A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
 - B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
 - C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
 - D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
 - E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).

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- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
 - G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
 - H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
 - I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
 - J) A member receives Railroad Retirement disability benefits.
 - K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
 - L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.
- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security

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Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility.

- b) The gross income standards are:

Household Size	Gross Income 130%	Gross Income 165%	Gross Income 200%
One Person	<u>\$1,381</u> 1,354	<u>\$1,755</u> 1,718	<u>\$2,127</u> 2,082
Two Persons	<u>1,868</u> 1,832	<u>2,371</u> 2,326	<u>2,873</u> 2,818
Three Persons	<u>2,353</u> 2,311	<u>2,987</u> 2,933	<u>3,620</u> 3,555
Four Persons	<u>2,839</u> 2,790	<u>3,603</u> 3,541	<u>4,367</u> 4,292
Five Persons	<u>3,324</u> 3,269	<u>4,219</u> 4,149	<u>5,113</u> 5,028
Six Persons	<u>3,809</u> 3,748	<u>4,835</u> 4,757	<u>5,860</u> 5,765
Seven Persons	<u>4,295</u> 4,227	<u>5,451</u> 5,364	<u>6,607</u> 6,502
Eight Persons	<u>4,780</u> 4,705	<u>6,067</u> 5,972	<u>7,353</u> 7,238
Each Additional Member	+ <u>486</u> 479	+ <u>616</u> 608	+ <u>747</u> 737

(Source: Amended by peremptory rulemaking at 44 Ill. Reg. 16551, effective October 1, 2020)

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$160. The standard deduction for a household size of four persons is \$174~~171~~. The standard deduction for a household size of five persons is \$205~~202~~. For households of six or more persons, the standard deduction is \$236~~239~~. Due to the Standard Medical Deduction Demonstration Project, the

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standard deduction will be adjusted as explained in subsection (i).

d) Dependent Care Deduction

- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
- 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.

e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

f) Shelter Costs Deduction

- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) have been made. The shelter deduction shall not exceed \$~~586~~569.
- 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2013) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
- 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (h).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) **Homeless Shelter Deduction**
The standard homeless shelter deduction is \$~~156~~¹⁵² a month for households in which all members are homeless individuals but are not receiving free shelter throughout the month. A homeless household with qualifying shelter expenses may choose to use the standard homeless shelter deduction (in lieu of the shelter deduction as described in subsection (f)), as a deduction from net income in determining SNAP eligibility and allotments. A homeless household receiving the standard homeless shelter deduction may not have its shelter expenses considered as part of the shelter deduction or the standard utility allowances. A homeless household may choose to claim actual costs under the shelter deduction instead of claiming the standard homeless shelter deduction if actual costs are higher and verified.
- h) **Utility Costs**
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

of ~~\$3130~~; and

- C) fees charged by the utility provider for initial installation.
- 2) Utility deposits are not considered to be utility costs.
- 3) A standard must be used if the household is billed for utilities. Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service (FNS). See subsection (h)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of ~~\$496~~⁴⁷⁸. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of ~~\$356~~³²⁸. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of ~~\$81~~⁷⁴. If only a separately-billed telephone expense is claimed, the basic telephone standard allowance of ~~\$3130~~ per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.
- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2013)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Assistance Program (LIHEAP) (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

273.10(d)(6) (2013)). Households who receive a LIHEAP payment of \$21 or more during the month of application or the preceding 12-month period shall be allowed the air conditioning/heating standard allowance (7 CFR 273.9 (2013)). The provisions of subsection (f)(3) are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.

- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- i) **Excess Medical Deduction.** A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2013) and Section 121.61. When a qualifying household member incurs medical expenses that are over \$35, the household will be given a Standard Medical Deduction if the expenses will not be reimbursed by insurance or a third party. The Standard Medical Deduction is a result of a Demonstration Project authorized by USDA FNS. The Standard Medical Deduction is \$450 a month for residents of Group Homes or Supportive Living Facilities and \$165 a month for all other eligible households. Households whose medical expenses exceed \$485 and \$200 a month, respectively, may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction and the amount over \$35 will be allowed as a deduction. To ensure federal costs do not increase, the Standard Deduction in subsection (c) will be reduced by \$7 per month for all SNAP households.

(Source: Amended by peremptory rulemaking at 44 Ill. Reg. 16551, effective October 1, 2020)

Section 121.64 Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

- a) The monthly Supplemental Nutrition Assistance Program (SNAP) benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly SNAP benefit amount.
- b) Maximum Monthly SNAP Benefit Amount:

Household Size	Amount
1	\$204 <u>\$194</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2	\$374355
3	\$535509
4	\$680646
5	\$807768
6	\$969921
7	\$1,0711,018
8	\$1,2241,164
Each additional member	\$153146

- c) All one and two-person households will receive a minimum monthly food stamp benefit amount of \$16.

(Source: Amended by peremptory rulemaking at 44 Ill. Reg. 16551, effective October 1, 2020)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
OCTOBER 14, 2020
11:30 A.M.

NOTICE: *It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities (8 Ill. Adm. Code 215)
 - First Notice Published: 44 Ill. Reg. 10292 – 6/19/20
 - Expiration of Second Notice: 10/24/20

Central Management Services

2. Conditions of Employment (80 Ill. Adm. Code 303)
 - First Notice Published: 44 Ill. Reg. 11294 – 7/10/20
 - Expiration of Second Notice: 11/11/20

Children and Family Services

3. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

- First Notice Published: 44 Ill. Reg. 10846 – 6/26/20
- Expiration of Second Notice: 11/12/20

4. Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)
 - First Notice Published: 44 Ill. Reg. 12694 – 7/31/20
 - Expiration of Second Notice: 11/1/20
5. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)
 - First Notice Published: 44 Ill. Reg. 10852 – 6/26/20
 - Expiration of Second Notice: 11/12/20

Community College Board

6. Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)
 - First Notice Published: 44 Ill. Reg. 10855 – 6/26/20
 - Expiration of Second Notice: 11/4/20
7. Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)
 - First Notice Published: 44 Ill. Reg. 11303 – 7/10/20
 - Expiration of Second Notice: 11/4/20

Emergency Management Agency

8. Political Subdivision Emergency Services and Disaster Agencies (29 Ill. Adm. Code 301)
 - First Notice Published: 44 Ill. Reg. 11354 – 7/10/20
 - Expiration of Second Notice: 11/4/20

Employment Security

9. Claims, Adjudication, Appeals and Hearings (56 Ill. Adm. Code 2720)
 - First Notice Published: 44 Ill. Reg. 12052 – 7/24/20
 - Expiration of Second Notice: 11/1/20
10. Administrative Hearings and Appeals (56 Ill. Adm. Code 2725)
 - First Notice Published: 44 Ill. Reg. 12055 – 7/24/20
 - Expiration of Second Notice: 11/1/20
11. Claimant's Availability for Work, Ability to Work and Active Search for Work (56 Ill. Adm. Code 2865)
 - First Notice Published: 44 Ill. Reg. 11738 – 7/17/20
 - Expiration of Second Notice: 11/7/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES

12. Academic Personnel (56 Ill. Adm. Code 2915)
 - First Notice Published: 44 Ill. Reg. 12058 – 7/24/20
 - Expiration of Second Notice: 11/1/20

Financial and Professional Regulation

13. Credit Union Act (38 Ill. Adm. Code 190)
 - First Notice Published: 44 Ill. Reg. 12703 – 7/31/20
 - Expiration of Second Notice: 11/8/20
14. Transmitters of Money Act (38 Ill. Adm. Code 205)
 - First Notice Published: 44 Ill. Reg. 11364 – 7/10/20
 - Expiration of Second Notice: 11/4/20

Human Services

15. WIC Vendor Management Code (77 Ill. Adm. Code 672)
 - First Notice Published: 44 Ill. Reg. 11741 – 7/17/20
 - Expiration of Second Notice: 11/8/20
16. Developmental Disabilities Services (89 Ill. Adm. Code 144)
 - First Notice Published: 44 Ill. Reg. 11743 – 7/17/20
 - Expiration of Second Notice: 11/11/20

Insurance

17. Medical Necessity Criteria for Serious Mental Illnesses for Individuals Under the Age of 26 (50 Ill. Adm. Code 2035)
 - First Notice Published: 44 Ill. Reg. 11378 – 7/10/20
 - Expiration of Second Notice: 11/4/20
18. Tie Breaking When Conducting and Administering a Board of Trustee Election (50 Ill. Adm. Code 4451)
 - First Notice Published: 44 Ill. Reg. 11394 – 7/10/20
 - Expiration of Second Notice: 11/12/20

Labor Relations Board

19. General Procedures (80 Ill. Adm. Code 1200)
 - First Notice Published: 44 Ill. Reg. 12061 – 7/24/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES

-Expiration of Second Notice: 10/22/20

20. Unfair Labor Practice Proceedings (80 Ill. Adm. Code 1220)
-First Notice Published: 44 Ill. Reg. 12068 – 7/24/20
-Expiration of Second Notice: 10/22/20

Public Health

21. Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)
-First Notice Published: 44 Ill. Reg. 7833 – 5/8/20
-Expiration of Second Notice: 10/15/20
22. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
-First Notice Published: 44 Ill. Reg. 2221 – 1/31/20
-Expiration of Second Notice: 10/15/20
23. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
-First Notice Published: 44 Ill. Reg. 435 – 1/10/20
-Expiration of Second Notice: 10/31/20
24. Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380)
-First Notice Published: 44 Ill. Reg. 3349 – 3/6/20
-Expiration of Second Notice: 10/15/20
25. Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450)
-First Notice Published: 44 Ill. Reg. 3073 – 2/21/20
-Expiration of Second Notice: 10/15/20
26. Child and Student Health Examination and Immunization Code (77 Ill. Adm. Code 665)
-First Notice Published: 44 Ill. Reg. 1779 – 1/24/20
-Expiration of Second Notice: 10/15/20
27. Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
-First Notice Published: 44 Ill. Reg. 8151 – 5/15/20
-Expiration of Second Notice: 10/15/20

Revenue

28. State Tax Lien Registry (86 Ill. Adm. Code 720)
-First Notice Published: 44 Ill. Reg. 10865 – 6/26/20
-Expiration of Second Notice: 10/23/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Secretary of State

29. Merit Commission (80 Ill. Adm. Code 50)
 - First Notice Published: 44 Ill. Reg. 11746 – 7/17/20
 - Expiration of Second Notice: 10/22/20
30. Procedures and Standards (92 Ill. Adm. Code 1001)
 - First Notice Published: 44 Ill. Reg. 11748 – 7/17/20
 - Expiration of Second Notice: 10/24/20
31. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
 - First Notice Published: 44 Ill. Reg. 11750 – 7/17/20
 - Expiration of Second Notice: 10/24/20
32. Issuance of Licenses (92 Ill. Adm. Code 1030)
 - First Notice Published: 44 Ill. Reg. 11762 – 7/17/20
 - Expiration of Second Notice: 10/25/20
33. Rules of the Road – Persons with Disabilities Parking Program (92 Ill. Adm. Code 1100)
 - First Notice Published: 44 Ill. Reg. 11764 – 7/17/20
 - Expiration of Second Notice: 10/25/20

State Universities Civil Service System

34. State Universities Civil Service System (80 Ill. Adm. Code 250)
 - First Notice Published: 44 Ill. Reg. 8192 – 5/15/20
 - Expiration of Second Notice: 10/31/20

Student Assistance Commission

35. General Provisions (23 Ill. Adm. Code 2700)
 - First Notice Published: 44 Ill. Reg. 13035 – 8/7/20
 - Expiration of Second Notice: 11/6/20
36. AIM HIGH Grant Pilot Program (23 Ill. Adm. Code 2766)
 - First Notice Published: 44 Ill. Reg. 13059 – 8/7/20
 - Expiration of Second Notice: 11/6/20

Transportation

JOINT COMMITTEE ON ADMINISTRATIVE RULES

37. Hours of Service of Drivers (92 Ill. Adm. Code 395)
-First Notice Published: 44 Ill. Reg. 13067 – 8/7/20
-Expiration of Second Notice: 11/7/20

EMERGENCY RULEMAKINGSEducational Labor Relations Board

38. General Procedures (80 Ill. Adm. Code 1100)
-44 Ill. Reg. 15998; effective 9/9/20
-Emergency Expires: 2/5/21

Public Health

39. Home Health, Home Services, and Home Nursing Agency Code (77 Ill. Adm. Code 245)
-44 Ill. Reg. 14328; effective 9/4/20
-Emergency Expires: 1/31/21
40. Hospital Licensing Requirements (Emergency Repeal of Emergency Amendment) (77 Ill. Adm. Code 250)
-44 Ill. Reg. 14333; effective 8/24/20
41. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
-44 Ill. Reg. 14804; effective 8/24/20
-Emergency Expires: 1/20/20
42. Long-Term Care Assistants and Aide Training Programs Code (77 Ill. Adm. Code 395)
-44 Ill. Reg. 14350; effective 8/24/20
-Emergency Expires: 1/20/21
43. School-Based/Linked Health Centers (77 Ill. Adm. Code 641)
-44 Ill. Reg. 16004; effective 9/10/20
-Emergency Expires: 2/6/21
44. Home Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
-44 Ill. Reg. 14355; effective 8/24/20
-Emergency Expires: 1/20/21

Secretary of State

45. Remittance Agents (92 Ill. Adm. Code 1019)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 44 Ill. Reg. 14360; effective 8/20/20
- Emergency Expires: 1/16/21

46. Commercial Driver Training Schools (Emergency Amendment to Emergency Rule) (92 Ill. Adm. Code 1060)
 - 44 Ill. Reg. 14365; effective 8/20/20
 - Emergency Expires: 10/17/20

State Police

47. Firearm Owners Identification Card Act (20 Ill. Adm. Code 1230)
 - 44 Ill. Reg. 15819; effective 9/3/20
 - Emergency Expires: 1/30/21
48. Firearm Concealed Carry Act Procedures (20 Ill. Adm. Code 1231)
 - 44 Ill. Reg. 15823; effective 9/3/20
 - Emergency Expires: 1/30/21

INTERNAL RULEMAKINGSJuvenile Justice

49. Access to Records of the Department of Juvenile Justice (2 Ill. Adm. Code 1010)
 - Published: 44 Ill. Reg. 14115 – 9/4/20

Pollution Control Board

50. Organization, Public Information, and Types of Proceedings (2 Ill. Adm. Code 2175)
 - Published: 44 Ill. Reg. 14166 – 9/4/20

Torture Inquiry and Relief Commission

51. Organization, Public Information, Procedures and Rulemaking (2 Ill. Adm. Code 3500)
 - Published: 44 Ill. Reg. 13427 – 8/14/20

EXEMPT RULEMAKINGSPollution Control Board

52. Definitions and General Provisions (35 Ill. Adm. Code 211)
 - Published: 44 Ill. Reg. 9305 – 6/5/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES

53. Air Quality Standards (35 Ill. Adm. Code 243)
-Published: 44 Ill. Reg. 9330 – 6/5/20
54. RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
-Published: 44 Ill. Reg. 9360 – 6/5/20
55. RCRA Permit Program (35 Ill. Adm. Code 703)
-Published: 44 Ill. Reg. 9368 – 6/5/20
56. Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
-Published: 44 Ill. Reg. 9379 – 6/5/20
57. Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
-Published: 44 Ill. Reg. 9450 – 6/5/20
58. Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
-Published: 44 Ill. Reg. 9570 – 6/5/20
59. Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
-Published: 44 Ill. Reg. 9638 – 6/5/20
60. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
-Published: 44 Ill. Reg. 9654 – 6/5/20
61. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
-Published: 44 Ill. Reg. 9681 – 6/5/20
62. Standards for Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
-Published: 44 Ill. Reg. 9732 – 6/5/20
63. Land Disposal Restrictions (35 Ill. Adm. Code 728)
-Published: 44 Ill. Reg. 9799 – 6/5/20
64. Standards for Universal Waste Management (35 Ill. Adm. Code 733)
-Published: 44 Ill. Reg. 9824 – 6/5/20
65. Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

-Published: 44 Ill. Reg. 9861 – 6/5/20

66. Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

-Published: 44 Ill. Reg. 9881 – 6/5/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of September 22, 2020 through September 28, 2020. These rulemakings are scheduled for the October 14, 2020 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/6/20	<u>Illinois Student Assistance Commission</u> , General Provisions (23 Ill. Adm. Code 2700)	8/7/20 44 Ill. Reg. 13035	10/14/20
11/6/20	<u>Illinois Student Assistance Commission</u> , AIM HIGH Grant Pilot Program (23 Ill. Adm. Code 2766)	8/7/20 44 Ill. Reg. 13059	10/14/20
11/7/20	<u>Department of Transportation</u> , Hours of Service of Drivers (92 Ill. Adm. Code 395)	8/7/20 44 Ill. Reg. 13067	10/14/20
11/8/20	<u>Department of Human Services</u> , WIC Vendor Management Code (77 Ill. Adm. Code 672)	7/17/20 44 Ill. Reg. 11741	10/14/20
11/7/20	<u>Department of Employment Security</u> , Claimant's Availability for Work, Ability to Work and Active Search for Work (56 Ill. Adm. Code 2865)	7/17/20 44 Ill. Reg. 11738	10/14/20
11/8/20	<u>Department of Financial and Professional Regulation</u> , Credit Union Act (38 Ill. Adm. Code 190)	7/31/20 44 Ill. Reg. 12703	10/14/20
11/11/20	<u>Department of Human Services</u> , Developmental Disabilities Services (89 Ill. Adm. Code 144)	7/17/20 44 Ill. Reg. 11743	10/14/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

11/11/20	<u>Central Management Services</u> , Conditions of Employment (80 Ill. Adm. Code 303)	7/10/20 44 Ill. Reg. 11294	10/14/20
11/4/20	<u>Department of Financial and Professional Regulation</u> , Transmitters of Money Act (38 Ill. Adm. Code 205)	7/10/20 44 Ill. Reg. 11364	10/14/20
11/4/20	<u>Department of Insurance</u> , Medical Necessity Criteria for Serious Mental Illnesses for Individuals Under the Age of 26 (50 Ill. Adm. Code 2035)	7/10/20 44 Ill. Reg. 11378	10/14/20
11/4/20	<u>Emergency Management Agency</u> , Political Subdivision Emergency Services and Disaster Agencies (29 Ill. Adm. Code 301)	7/10/20 44 Ill. Reg. 11354	10/14/20

PROCLAMATION

2020-61

Flag-Lowering Ruth Bader Ginsburg

WHEREAS, Ruth Bader Ginsburg was appointed to the Supreme Court of the United States in 1993 and served as an Associate Justice for 27 years; and,

WHEREAS, Ruth Bader Ginsburg was a role model for women, girls and people worldwide, demonstrating that success, respect and the ability to have a positive impact on the lives of millions is achievable by anyone regardless of gender, age, race or creed; and,

WHEREAS, while working for the ACLU, Ginsburg successfully argued *Reed vs. Reed* (1971), the first time the Supreme Court agreed that the Equal Protection Clause of the 14th Amendment could apply to gender-based discrimination, setting the stage for her arguments in *Craig v. Boren* (1976) establishing a new level of scrutiny for laws with gender-based classifications; and,

WHEREAS, Justice Ginsburg joined Justice Thurgood Marshall as a champion for civil rights who built a career arguing for justice in front of the greatest court of the land and was later asked to join it; and,

WHEREAS, Ruth Bader Ginsburg continued her advocacy for gender equality and equal justice for all persons from the bench, writing the majority opinion in *United States v. Virginia* (1996) that ended Virginia Military Institute's historic "men only" admissions policy; and,

WHEREAS, as an important voice on the court, Justice Ginsburg was known for her often-fiery dissents, speaking out on behalf of a constitutionally adequate recount in *Bush v. Gore* (2000), gender-based pay equity in *Ledbetter v. Goodyear Tire & Rubber Co.* (2007) and the Voting Rights Act in *Shelby County v. Holder* (2013); and,

WHEREAS, Justice Ginsburg's intellect and wit endeared her to supporters and fans throughout the nation, earning her the playful "Notorious RBG" nickname which she embraced; and,

WHEREAS, Justice Ginsburg's contributions to our law and our culture will benefit the nation for generations to come; and,

WHEREAS, Justice Ginsburg died September 18, 2020, at the age of 87, and;

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, do hereby order flags be flown at half-staff from sunrise to sunset, Friday, September 25th, joining the ongoing COVID-19 disaster proclamation, while Justice Ginsburg lies in state at the nation's Capitol and as Illinois joins a saddened nation in mourning this icon of jurisprudence, equality and strength.

PROCLAMATION

Issued by the Governor September 23, 2020

Filed by the Secretary of State September 23, 2020

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 44, Issue 41 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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