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AGENCIES



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OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1000.4010	Add
1000.4020	Add
1000.4030	Add
1000.4040	Add
1000.4050	Add
1000.4060	Add
1000.4070	Add
1000.4080	Add
- 4) Statutory Authority: Implementing and authorized by Sections 7-3 and 7-9 of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3 and 7-9].
- 5) A complete description of the subjects and issues involved: The proposed rules implement Section 7-9 of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-9]. The proposed rules establish procedures and standards by which the Commissioner shall determine whether to disclose confidential supervisory information in response to a request for discovery or disclosure of such information. The proposed rules match existing rules for State commercial banks [38 Ill. Adm. Code Part 325].
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed rules will help establish uniform procedures and standards for handling requests for confidential supervisory information across all types of depository institutions regulated by the Office of Banks and Real Estate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
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217/782-6167
Telefax: 217/558-4297

- 4) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that are Illinois state chartered savings and loan associations with regard to how and whether supervisory information related to them is disclosed.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 12) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the proposed amendments begins on the next page.

OFFICE OF BANKS AND REAL ESTATE

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- 1000.680 Unsecured Loans (Repealed)
- 1000.690 Sale of Loans and Participations (Repealed)
- 1000.700 Insider Loan Rates (Repealed)
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- 1000.4010 Definitions
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1000.4030 Requests for Confidential Supervisory Information
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1000.4080 Fees for Services

- 1000.APPENDIX A Estimated Monthly Income and Expenses Worksheet
1000.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by Section 7-3(b)(2) of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3(b)(2)] and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35].

SOURCE: Filed and effective January 18, 1974; amended at 2 Ill. Reg. 44, p. 179, effective October 30, 1978; emergency amendment at 2 Ill. Reg. 45, p. 169, effective November 1, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 883, effective January 29, 1979; amended at 3 Ill. Reg. 11, p. 163, effective March 12, 1979; amended at 3 Ill. Reg. 19, p. 22, effective May 12, 1979; emergency amendment at 3 Ill. Reg. 39, p. 230, effective September 17, 1979, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 8, p. 207, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1241, effective July 14, 1980; emergency amendment at 5 Ill. Reg. 2524, effective February 19, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 7124, effective June 24, 1981; amended at 5 Ill. Reg. 7125, effective June 24, 1981; amended at 5 Ill. Reg. 11377, effective October 14, 1981; amended at 6 Ill. Reg. 3175, effective March 4, 1982; amended at 6 Ill. Reg. 4218, effective April 6, 1982; amended at 6 Ill. Reg. 4219, effective April 6, 1982; amended at 6 Ill. Reg. 4227, effective April 6, 1982; amended at 6 Ill. Reg. 7141, effective June 1, 1982; amended at 7 Ill. Reg. 1993, effective January 28, 1983; codified at 7 Ill. Reg. 13669; amended at 8 Ill. Reg. 8630, effective June 1, 1984; amended at 8 Ill. Reg. 15066, effective August 7, 1984; emergency amendment at 9 Ill. Reg. 17437, effective October 24, 1985, for a maximum of 150 days;

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emergency amendment at 10 Ill. Reg. 4946, effective March 11, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14290, effective August 20, 1986; amended at 10 Ill. Reg. 19781, effective November 6, 1986; amended at 11 Ill. Reg. 20648, effective December 2, 1987; emergency amended at 11 Ill. Reg. 20672, effective December 3, 1987, for a maximum of 150 days; emergency amendments at 12 Ill. Reg. 8106, effective April 20, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 15165, effective September 13, 1988; amended at 13 Ill. Reg. 8927, effective May 26, 1989; amended at 16 Ill. Reg. 4881, effective March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1000 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 1003] at 17 Ill. Reg. 4464; recodified from Chapter III, Commissioner of Savings and Residential Finance, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6707, effective March 30, 1998; amended at 24 Ill. Reg. 53, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19312, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3694, effective January 30, 2001, in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1856; amended at 25 Ill. Reg. 6152, effective May 17, 2001; amended at 26 Ill. Reg. 13471, effective September 13, 2002; emergency amendment at 27 Ill. Reg. 16029, effective September 29, 2003, for a maximum of 150 days; emergency amendment suspended at 27 Ill. Reg. 18484, effective November 18, 2003; emergency suspension withdrawn at 28 Ill. Reg. 408, effective December 16, 2003; emergency repealed at 28 Ill. Reg. 414, effective December 16, 2003, in response to the objection and suspension of the Joint Committee on Administrative Rules; amended at 28 Ill. Reg. 783, effective December 29, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART Q: DISCLOSURE OF CONFIDENTIAL SUPERVISORY INFORMATION**Section 1000.4010 Definitions****For purposes of this Subpart:**

"Act" means the Illinois Savings and Loan Act of 1985 [205 ILCS 105].

"Commissioner" means the Commissioner of Banks and Real Estate, or a person authorized by the Commissioner to act in the Commissioner's stead.

"Compelling" need means that no other non-confidential source is available to obtain information of equal relevance.

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"Complete request" means a request that provides all of the information required in Section 1075.4030 of this Subpart.

"Confidential supervisory information" shall have the same meaning ascribed to that term in Section 7-9 of the Act [205 ILCS 105/7-9].

"Person" shall have the same meaning ascribed to that term in Section 1-10.14 of the Act [205 ILCS 105/1-10.14].

"Relevant" means the requested confidential supervisory information could substantially contribute to the resolution of the issues identified in the pleadings contained within the request.

"Requester" means any person who makes a request for the discovery or disclosure of confidential supervisory information, whether by subpoena, order, or other judicial or administrative process.

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

Section 1000.4020 Purpose and Scope

- a) Purpose. The purpose of this Subpart is to establish the procedures and standards by which the Commissioner shall determine whether to disclose confidential supervisory information in response to a request for discovery or disclosure of such information.
- b) Scope. This Subpart applies to requests, whether by subpoena, order, or other judicial or administrative process, for discovery or disclosure of confidential supervisory information prepared or obtained by the Commissioner under the Act and any report of examination, visitation or investigation prepared by the state regulatory authority of another state that examines a branch of an association in that state. This Subpart does not apply to:
 - 1) a request made pursuant to the Freedom of Information Act [5 ILCS 140] (FOIA), provided that, if the information requested constitutes confidential supervisory information, it shall nonetheless be exempt from disclosure pursuant to Section 7(1)(x) of FOIA;

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- 2) a request made by a party to whom the Commissioner may furnish confidential supervisory information as permitted in Section 7-9 of the Act [205 ILCS 105/7-9]; or
- 3) a request made by a party to whom a savings bank or other financial institution may furnish confidential supervisory information as permitted in Section 7-9(b) of the Act [205 ILCS 105/7-9].

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

Section 1000.4030 Requests for Confidential Supervisory Information

Pursuant to Section 7-9 of the Act [205 ILCS 105/7-9], a request for confidential supervisory information arising from an adversarial matter, whether by subpoena, order, or other judicial or administrative process, shall be made to the Commissioner. If the request is for a record, the requester must adequately describe the records sought by type and date. Such request shall be accompanied by:

- a) a copy of the formal complaint or pleading setting forth the assertions of the adversarial matter;
- b) the caption and docket number assigned to the adversarial proceeding;
- c) the name, address, and telephone number of designated legal counsel to each party named in the adversarial proceeding;
- d) a statement detailing the relevance of the requested confidential supervisory information;
- e) a statement detailing a compelling need for the requested confidential supervisory information;
- f) a statement describing any prior judicial decisions or pending motions in the case that may bear on the asserted relevance of the requested information; and
- g) a statement detailing why the requester believes that the compelling need outweighs the public interest considerations in maintaining confidentiality and why the compelling need outweighs the burden on the Office of Banks and Real Estate to produce the requested confidential supervisory information.

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

Section 1000.4040 Where to Submit a Request

A person requesting discovery or disclosure of confidential supervisory information under this Part shall mail, or hand deliver, the request to:

Office of Banks and Real Estate
Bureau of Residential Finance/Thrift Division
310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604-4278
Attention: Thrift Legal Counsel

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

Section 1000.4050 Consideration of Requests

- a) Standards for the Disclosure of Confidential Supervisory Information. When making a determination with respect to the disclosure of confidential supervisory information, the Commissioner shall consider the following standards:
- 1) the confidential supervisory information identified in the request is relevant;
 - 2) a compelling need exists;
 - 3) if the requested confidential supervisory information is to be used in connection with an adversarial matter, the lawsuit or administrative action has been filed; and
 - 4) the production and disclosure of the confidential supervisory information is not unduly burdensome to the Office of Banks and Real Estate.
- b) In determining whether to disclose the requested confidential supervisory information, the Commissioner may inquire into the circumstances of any case underlying the request and rely on sources of information other than the requester, including other parties.
- c) Time Required by the Commissioner to Respond. The Commissioner, within 15 days, shall determine whether to disclose the requested confidential supervisory

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information. The 15-day time period shall not commence until the Commissioner receives a complete request. If the request is not complete, the Commissioner shall notify the requester of the required information that has not previously been provided.

- d) Notice to Other Parties. Following receipt of a complete request for confidential supervisory information, the Commissioner may notify the association or Illinois association holding company (SLA foreign associations) office that is the subject of the requested information, unless the Commissioner determines that to do so would advantage or prejudice any of the parties in the matter at issue.

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

Section 1000.4060 Disclosure of Confidential Supervisory Information

- a) Conditions and Limitations. The Commissioner may impose any conditions and limitations on the disclosure of confidential supervisory information that are necessary to protect the confidentiality of such information. Except as authorized by the Commissioner, no person obtaining access to confidential supervisory information under this Subpart may make a copy of the confidential supervisory information.
- b) Restrictions on Dissemination of Confidential Supervisory Information. The Commissioner may condition a decision to disclose confidential supervisory information on entry of a protective order by the court or administrative tribunal presiding in the particular case or on a written agreement of confidentiality. In a case in which a protective order or agreement has already been entered between parties other than the Commissioner, the Commissioner may nevertheless condition approval for release of confidential supervisory information upon the inclusion of additional or amended provisions in the protective order. The Commissioner may authorize a party who obtained the records for use in one case to provide them to another party in another case, subject to any conditions that the Commissioner may impose on either or both parties.
- c) Notification of Parties and Procedures for Sharing and Using Confidential Supervisory Information in Litigation. The requester shall promptly notify other parties to a case of the release of confidential supervisory information obtained pursuant to this Subpart and, upon entry of a protective order, shall provide copies of confidential supervisory information to the other parties.

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

Section 1000.4070 Retrieval and Destruction of Previously Disclosed Confidential Supervisory Information Used in Litigation

At the conclusion of an action:

- a) the requester shall retrieve the disclosed confidential supervisory information from the judicial or administrative file as soon as the presiding judicial or administrative authority no longer requires the information;
- b) the requester, and each party who may have subsequently received confidential supervisory information pursuant to a protective order, shall destroy the disclosed confidential supervisory information covered by the protective order; and
- c) each party shall certify to the Commissioner that the disclosed confidential supervisory information covered by the protective order has been destroyed.

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

Section 1000.4080 Fees for Services

The Commissioner may charge the following fees for any record search or copying performed by the Commissioner:

- a) Reproduction costs incurred in making photocopies of documents shall be reimbursed at \$.25 per exposure.
- b) All other costs, including but not limited to the cost of telephone calls, telegrams, and shipping incurred in searching for and transporting data pursuant to a request for confidential supervisory information shall be reimbursed at actual costs.

The Commissioner may require a requester to remit payment prior to providing the requested confidential supervisory information.

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

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- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1075.4010	Add
1075.4020	Add
1075.4030	Add
1075.4040	Add
1075.4050	Add
1075.4060	Add
1075.4070	Add
1075.4080	Add
- 5) Statutory Authority: Implementing and authorized by Sections 9002 and 9012 of the Savings Bank Act [205 ILCS 205/9002and 9012].
- 6) A complete description of the subjects and issues involved: The proposed rules implement Section 9012 of the Savings Bank Act [205 ILCS 205/9012]. The proposed rules establish procedures and standards by which the Commissioner shall determine whether to disclose confidential supervisory information in response to a request for discovery or disclosure of such information. The proposed rules match existing rules for State commercial banks [38 Ill. Adm. Code Part 325].
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed rules will help establish uniform procedures and standards for handling requests for confidential supervisory information across all types of depository institutions regulated by the Office of Banks and Real Estate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

OFFICE OF BANKS AND REAL ESTATE

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Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-6167
Telefax: 217/558-4297

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that are Illinois state chartered savings banks with regard to how and whether supervisory information related to them is disclosed.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 12) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

OFFICE OF BANKS AND REAL ESTATE

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TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 1075
SAVINGS BANK ACT

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SUBPART Q: DISCLOSURE OF CONFIDENTIAL SUPERVISORY INFORMATIONSection

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<u>1075.4030</u>	<u>Requests for Confidential Supervisory Information</u>
<u>1075.4040</u>	<u>Where to Submit a Request</u>
<u>1075.4050</u>	<u>Consideration of Requests</u>
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<u>1075.4080</u>	<u>Fees for Services</u>

1075.APPENDIX A Estimated Monthly Income and Expenses Worksheet

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1075.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Savings Bank Act [205 ILCS 205].

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at 17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18 Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15094, effective September 26, 1994; emergency amendment at 19 Ill. Reg. 10277, effective June 29, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15474, effective October 31, 1995; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6719, effective March 30, 1998; amended at 24 Ill. Reg. 73, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 6986, effective April 24, 2000, for a maximum of 150 days; emergency expired on September 20, 2000; amended at 24 Ill. Reg. 15026, effective September 26, 2000; emergency amendment at 24 Ill. Reg. 19331, effective December 15, 2000, for a maximum of 150 days; emergency amendment repealed at 25 Ill. Reg. 3698, effective January 30, 2001, in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1858; amended at 25 Ill. Reg. 6197, effective May 17, 2001; amended at 26 Ill. Reg. 13483, effective September 13, 2002; emergency amendment at 27 Ill. Reg. 16043, effective September 29, 2003, for a maximum of 150 days; emergency amendments suspended at 27 Ill. Reg. 18485, effective November 18, 2003; emergency suspension withdrawn at 28 Ill. Reg. 409, effective December 16, 2003; emergency repealed at 28 Ill. Reg. 427, effective December 16, 2003, in response to the objection and suspension of the Joint Committee on Administrative Rules; amended at 28 Ill. Reg. 807, effective December 29, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART Q: DISCLOSURE OF CONFIDENTIAL SUPERVISORY INFORMATION

Section 1075.4010 Definitions

For purposes of this Subpart:

"Act" means the Savings Bank Act [205 ILCS 205].

"Commissioner" means the Commissioner of Banks and Real Estate, or a person authorized by the Commissioner to act in the Commissioner's stead.

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"Compelling need" means that no other non-confidential source is available to obtain information of equal relevance.

"Complete request" means a request that provides all of the information required in Section 1075.4030 of this Subpart.

"Confidential supervisory information" shall have the same meaning ascribed to that term in Section 9012 of the Act [205 ILCS 205/9012].

"Person" shall have the same meaning ascribed to that term in Section 1007.90 of the Act [205 ILCS 205/1007.90].

"Relevant" means the requested confidential supervisory information could substantially contribute to the resolution of the issues identified in the pleadings contained within the request.

"Requester" means any person who makes a request for the discovery or disclosure of confidential supervisory information, whether by subpoena, order, or other judicial or administrative process.

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

Section 1075.4020 Purpose and Scope

- a) Purpose. The purpose of this Subpart is to establish the procedures and standards by which the Commissioner shall determine whether to disclose confidential supervisory information in response to a request for discovery or disclosure of such information.
- b) Scope. This Subpart applies to requests, whether by subpoena, order, or other judicial or administrative process, for discovery or disclosure of confidential supervisory information prepared or obtained by the Commissioner under the Act and any report of examination, visitation or investigation prepared by the state regulatory authority of another state that examines a branch of an Illinois savings bank in that state. This Subpart does not apply to:
 - 1) a request made pursuant to the Freedom of Information Act [5 ILCS 140] (FOIA), provided that, if the information requested constitutes confidential supervisory information, it shall nonetheless be exempt from disclosure

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pursuant to Section 7(l)(x) of FOIA;

- 2) a request made by a party to whom the Commissioner may furnish confidential supervisory information as permitted in Section 9012 of the Act [205 ILCS 205/9012]; or
- 3) a request made by a party to whom a savings bank or other financial institution may furnish confidential supervisory information as permitted in Section 9012(b) of the Act [205 ILCS 205/9012].

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

Section 1075.4030 Requests for Confidential Supervisory Information

Pursuant to Section 9012 of the Act [205 ILCS 205/9012], a request for confidential supervisory information arising from an adversarial matter, whether by subpoena, order, or other judicial or administrative process, shall be made to the Commissioner. If the request is for a record, the requester must adequately describe the records sought by type and date. Such request shall be accompanied by:

- a) a copy of the formal complaint or pleading setting forth the assertions of the adversarial matter;
- b) the caption and docket number assigned to the adversarial proceeding;
- c) the name, address, and telephone number of designated legal counsel to each party named in the adversarial proceeding;
- d) a statement detailing the relevance of the requested confidential supervisory information;
- e) a statement detailing a compelling need for the requested confidential supervisory information;
- f) a statement describing any prior judicial decisions or pending motions in the case that may bear on the asserted relevance of the requested information; and
- g) a statement detailing why the requester believes that the compelling need outweighs the public interest considerations in maintaining confidentiality and

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why the compelling need outweighs the burden on the Office of Banks and Real Estate to produce the requested confidential supervisory information.

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

Section 1075.4040 Where to Submit a Request

A person requesting discovery or disclosure of confidential supervisory information under this Subpart shall mail, or hand deliver, the request to:

Office of Banks and Real Estate
Bureau of Residential Finance/Thrift Division
310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604-4278
Attention: Thrift Legal Counsel

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

Section 1075.4050 Consideration of Requests

- a) Standards for the Disclosure of Confidential Supervisory Information. When making a determination with respect to the disclosure of confidential supervisory information, the Commissioner shall consider the following standards:
- 1) the confidential supervisory information identified in the request is relevant;
 - 2) a compelling need exists;
 - 3) if the requested confidential supervisory information is to be used in connection with an adversarial matter, the lawsuit or administrative action has been filed; and
 - 4) the production and disclosure of the confidential supervisory information is not unduly burdensome to the Office of Banks and Real Estate.
- b) Commissioner Inquiries. In determining whether to disclose the requested confidential supervisory information, the Commissioner may inquire into the circumstances of any case underlying the request and rely on sources of information other than the requester, including other parties.

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- c) Time Required by the Commissioner to Respond. The Commissioner, within 15 days, shall determine whether to disclose the requested confidential supervisory information. The 15-day time period shall not commence until the Commissioner receives a complete request. If the request is not complete, the Commissioner shall notify the requester of the required information that has not previously been provided.
- d) Notice to Other Parties. Following receipt of a complete request for confidential supervisory information, the Commissioner may notify the savings bank or Illinois savings bank holding company office that is the subject of the requested information, unless the Commissioner determines that to do so would advantage or prejudice any of the parties in the matter at issue.

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

Section 1075.4060 Disclosure of Confidential Supervisory Information

- a) Conditions and Limitations. The Commissioner may impose any conditions and limitations on the disclosure of confidential supervisory information that are necessary to protect the confidentiality of such information. Except as authorized by the Commissioner, no person obtaining access to confidential supervisory information under this Subpart may make a copy of the confidential supervisory information.
- b) Restrictions on Dissemination of Confidential Supervisory Information. The Commissioner may condition a decision to disclose confidential supervisory information on entry of a protective order by the court or administrative tribunal presiding in the particular case or on a written agreement of confidentiality. In a case in which a protective order or agreement has already been entered between parties other than the Commissioner, the Commissioner may nevertheless condition approval for release of confidential supervisory information upon the inclusion of additional or amended provisions in the protective order. The Commissioner may authorize a party who obtained the records for use in one case to provide them to another party in another case, subject to any conditions that the Commissioner may impose on either or both parties.
- c) Notification of Parties and Procedures for Sharing and Using Confidential Supervisory Information in Litigation. The requester shall promptly notify other parties to a case of the release of confidential supervisory information obtained

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pursuant to this Subpart and, upon entry of a protective order, shall provide copies of confidential supervisory information to the other parties.

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

Section 1075.4070 Retrieval and Destruction of Previously Disclosed Confidential Supervisory Information Used in Litigation

At the conclusion of an action:

- a) the requester shall retrieve the disclosed confidential supervisory information from the judicial or administrative file as soon as the presiding judicial or administrative authority no longer requires the information;
- b) the requester, and each party who may have subsequently received confidential supervisory information pursuant to a protective order, shall destroy the disclosed confidential supervisory information covered by the protective order; and
- c) each party shall certify to the Commissioner that the disclosed confidential supervisory information covered by the protective order has been destroyed.

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

Section 1075.4080 Fees for Services

The Commissioner may charge the following fees for any record search or copying performed by the Commissioner:

- a) Reproduction costs incurred in making photocopies of documents shall be reimbursed at \$.25 per exposure.
- b) All other costs, including but not limited to the cost of telephone calls, telegrams, and shipping incurred in searching for and transporting data pursuant to a request for confidential supervisory information shall be reimbursed at actual costs.

The Commissioner may require a requester to remit payment prior to providing the requested confidential supervisory information.

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

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

<u>Section Number</u> :	<u>Proposed Action</u> :
1.250	Amendment
1.420	Amendment
1.440	Amendment
1.610	Amendment
1.620	Repeal
1.630	Amendment
1.640	Repeal
1.650	Amendment
1.660	Amendment
1.705	Repeal
1.710	Amendment
1.720	Amendment
1.730	Amendment
1.735	Amendment
1.736	Amendment
1.737	New Section
1.740	Amendment
1.745	New Section
1.750	Amendment
1.755	New Section
1.APPENDIX A	Amendment
1.APPENDIX C	Repeal
- 4) Statutory Authority: 105 ILCS 5/21-0.01
- 5) A Complete Description of the Subjects and Issues Involved: Most of the material in this set of amendments is needed to complement the proposed amendments to Part 25 (Certification) that are currently pending, so that it will be clear who may be assigned to which positions in schools as the standards-based system of educational credentials is fully implemented. Subpart F of Part 1 describes the requirements for assignment and supervision of paraprofessionals, and Subpart G conveys the requirements for assignment of teachers at various grade levels and in various academic subjects and other areas.

Requirements for Teachers

One of the key issues addressed in these amendments is the status of the many current Illinois teachers who do not hold formal endorsements in their subject areas but who have

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been assigned to teach particular subjects based on a local determination that they met the requirements for those assignments. That is, an individual has been eligible to teach a given subject if he or she held the required number and distribution of semester hours of college credit stated in Subpart G of Part 1 (chiefly in Section 1.730). Possession of the endorsement has not been required.

Under the proposed amendments, these teachers will continue to be eligible for assignment in areas in which they have already taught for at least two full semesters. This requirement for experience is intended to provide the assurance that the teachers' credentials were reviewed at the local level.

Individuals who hold the qualifications that were previously accepted for particular assignments but who have never been assigned in those fields will have two options for maintaining their eligibility under these proposed rules. They may submit applications for the "old" endorsements on or before September 30, 2004, and those applications will be reviewed according to the previous requirements. Alternatively, they may accept assignment based upon the newly stated minimum requirements (generally 24 semester hours of credit), thereby establishing a three-year period of eligibility while they acquire the comparable endorsement that will be available under the new structure.

Each of the existing sets of requirements in Subpart G will now be prefaced by an explanation of how and when it is replaced by new requirements and where those are to be found. The corresponding new Sections then identify all the groups who may be assigned.

At the secondary level, new minimum requirements for assignment are stated. These generally involve the same total number of semester hours of college credit that have been required for certain endorsements for quite a few years, but stripped of the previous specificity about the distribution of those semester hours among particular topics. This will help accommodate the transition to a standards-based system, in which the course-by-course coverage of topics may not be as readily predictable, while still requiring a significant amount of coursework before someone is eligible to teach in a particular field.

Requirements for Paraprofessionals

Many of the changes in Sections 1.610 through 1.660 involve technical updating and/or revisions whose purpose is to make clear what districts' obligations are. Some existing provisions from Part 25 are being reorganized into Part 1 for the same reasons. The function of this material in Part 1 is to describe how districts may assign paraprofessionals and administer their services. This material will now complement the pending revisions in Part 25 that describe the requirements paraprofessionals must meet in order to secure approval.

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The main substantive issue in this group of rules is the applicability of the requirement for a letter of approval to paraprofessionals in special education programs (see Sections 1.630(b)(2) and 1.630(b)(5)(C)). Long-standing practice has exempted these individuals from the requirement for approval, but this is inconsistent with the Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind Act (NCLB). Therefore, these rules require that instructional aides in special education meet the same requirements as other paraprofessionals but give those who are already serving three years to earn the approval. The three-year window that this rule establishes is in keeping with federal regulations regarding personnel who serve students with disabilities.

It should be noted that the requirement for approval as a paraprofessional does not apply to individuals who serve primarily as personal care assistants to students with disabilities.

Additional Matters

These proposed amendments also affect three other Sections unrelated to staff qualifications.

The revision to Section 1.250 deletes a reference to districts' need to comply with Part 170 of ISBE's rules. That Part (Sprinkler Systems) was repealed several years ago and all its provisions were incorporated into Part 180 (Health/Life Safety Code for Public Schools). This amendment represents technical updating only.

Section 1.420(p)(6) discusses excuses from daily physical education. Section 27-6 of the School Code requires daily physical education "except when appropriate excuses are submitted to the school by a pupil's parent or guardian or by a person licensed under the Medical Practice Act of 1987...and except as provided in subsection (b) of this Section." We have so far had no rules regarding what a school district might consider to be an "appropriate excuse" from a parent, and the Legal Department has advised that, in particular, there is a need to ensure that requests for students to be excused on religious grounds will be given due consideration. The new text in subsection (p)(6) will provide a framework for districts to deal with parental requests appropriately, while the existing text regarding exemptions from daily physical education on certain other bases allowed by subsection (b) of the law has been moved into new subsection (p)(7).

Section 1.440(c) states that no teacher should have more than five preparations, but this rule has always been intended to function as an absolute prohibition. Based upon questions recently received by the Legal Department, it has become clear that we should revise the rule to state that "no teacher shall have more than five preparations" so that the language will convey the long-standing intended meaning.

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- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? The proposed rules do contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act. This is found in existing text at Section 1.420(s).
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (W-475)
Springfield, Illinois 62777
(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

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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: SCHOOL RECOGNITION REQUIREMENTS

Section

1.10	Public School Accountability Framework
1.20	Operational Requirements
1.30	Quality Assurance Reviews
1.40	Student Performance and School Improvement Requirements (Repealed)
1.50	State Assessment
1.60	Operational Compliance (Repealed)
1.70	Effective Dates of Accreditation (Repealed)
1.80	Academic Early Warning and Watch Lists
1.85	Revisions to School Improvement Plans
1.90	System of Rewards and Recognition
1.100	Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section

1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and the School Code
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 170 and 180
1.260	Commemorative Holidays to be Observed by Public Schools
1.270	Book and Material Selection
1.280	Discipline
1.285	Requirements for the Use of Isolated Time Out and Physical Restraint
1.290	Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

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- 1.310 Administrative Responsibilities
- 1.320 Duties
- 1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.445 Required Course Substitute
- 1.450 Special Programs
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test
- 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

Section

- 1.510 Transportation
- 1.520 School Food Services
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified~~Public School Districts~~
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Noncertificated Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Minimum Requirements for Teachers (Repealed)

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- 1.710 ~~Minimum~~ Requirements for Elementary Teachers
- 1.720 ~~Minimum~~ Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (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 at the Secondary Level 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 Pupil Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Grades K-12
- 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
- 1.790 Substitute Teacher
- 1.APPENDIX A Professional Staff Certification
- 1.APPENDIX B Certification Quick Reference Chart
- 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~~)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

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,

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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 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. _____, effective _____.

SUBPART B: SCHOOL GOVERNANCE

Section 1.250 District to Comply with 23 Ill. Adm. Code 170 and 180

The district shall comply with ~~the rules of the State Board of Education at 23 Ill. Adm. Code 170 titled "Sprinkler System," and 23 Ill. Adm. Code 180 titled ("Health/Life Safety Code for Public Schools;") as issued by the State Superintendent of Education.~~

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

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit ~~that; a plan which~~ can be disseminated to other schools within the State.
- c) Every school district shall:
 - 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the

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instructional program.

- 2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, and 18-12 of the School Code [105 ILCS 5/10-19, 18-8.05, and 18-12] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
 - 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that its facilities are inadequate to house a program offering five clock-hours daily to all students.
 - A) The State Superintendent's approval shall be requested before the beginning of the school year.
 - B) The school district's request shall include a copy of the minutes of the meeting at which the board of education approved the plan for multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.
 - C) Requests for extensions of the State Superintendent's approval shall be made annually prior to the opening of school.
 - 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination

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under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.

- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
 - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers hold certificates which are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is held by all teachers.
- 4) Attendance for General State Aid Purposes
 - A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance.
 - B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.

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- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code.
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
 - 2) If a school district ~~that~~~~which~~ establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
 - A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
 - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- i) Career Education
- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.

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- 2) Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
- j) Co-Curricular Activities
- 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
- k) Consumer Education and Protection
- 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services – housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.
 - 2) The superintendent of each unit or high school district shall maintain evidence ~~showing which shows~~ that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
 - 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.
 - 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.

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- 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.
- l) Conservation of Natural Resources
- 1) *In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
- 2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.
- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
- n) Health Education
Each school system shall be in compliance with rules for Comprehensive Health Education (23 Ill. Adm. Code 253) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
- 1) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
- 2) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
- 3) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
- o) Media Programs
Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school. The "Recommended Standards

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for Educational Library Media Programs" (Revised 1986) is suggested as a guide for program development.

p) Physical Education

- 1) Appropriate activity related to physical education shall be required of all students each day (Section 27-6 of the School Code [105 ILCS 5/27-6]). 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.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).*
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).*
- 6) Pursuant to Section 27-6 of the School Code [105 ILCS 5/27-6], a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include but need not be limited to reliance upon religious prohibitions. For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require.

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For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

7) In addition, pursuant~~Pursuant~~ to Section 27-6(b) of the School Code, each school board which chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.

q) Pupil Personnel Services

To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:

- 1) Guidance and Counseling Needs;
- 2) Psychological Needs;
- 3) Social Work Needs;
- 4) Health Needs.

r) Social Sciences and History

Each school system shall provide history and social sciences courses which do the following:

- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (Section 27-21 of the School Code [105 ILCS 5/27-21]);
- 2) include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State (Section 27-21 of the School Code);
- 3) include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed

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free-enterprise system (Section 27-21 of the School Code);

- 4) include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
 - 6) include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection," ANSI Z87.1-1989, issued by the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. No later additions or amendments to these standards are incorporated by this rule.
- t) *In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades* (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2]).
- u) *School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development* (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3]).

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

Section 1.440 Additional Criteria for High Schools

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- a) The district shall provide a comprehensive curriculum including the following as a minimum program of offerings. The time allotment, unless specified by the School Code or regulations, is the option of the local school district.
- 1) Language Arts, three units
 - 2) Science
 - 3) Mathematics
 - 4) History of the United States, one unit
 - 5) Foreign Language
 - 6) Music
 - 7) Art
 - 8) Career Education – Orientation and Preparation
 - 9) Health Education, students must take one semester or equivalent, i.e., at least eighteen weeks, during the secondary school experience.
 - 10) Physical Education, daily except as provided in subsection (a)(9) of this Section and Section 1.445 of this Part (Section 27-6 of the School Code).
 - 11) Consumer Education, nine weeks, 50 minutes a day or equivalent, grades 9-12, except for students who have demonstrated proficiency pursuant to the provisions of Section 27-12.1 of the School Code and Section 1.462 of this Part.
 - 12) Conservation of Natural Resources (Section 27-13.1 of the School Code).
 - 13) Driver and Safety Education, 30 clock-hours of classroom instruction and 6 clock-hours of behind the wheel – grades 10, 11, and 12 (Section 27-23 of the School Code [105 ILCS 5/27-23]).
 - 14) Vocational Education – Job Entry Skill Development
- b) The daily program should be organized so as to afford each student easy access to

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the instructional materials center, the counselor, program of extracurricular activities, and teacher-student conferences.

- c) No teacher ~~shall~~should have more than five different preparations. |
- d) Each teacher should have time to conduct student conferences and plan for instructional programs.
- e) Driver Education and Safety
 - 1) School districts maintaining grades 9-12 shall provide instruction in compliance with Sections 27-23 and 27-24 of the School Code [105 ILCS 5/27-23 and 27-24] and rules governing Driver Education (23 Ill. Adm. Code 252).
 - 2) Such a course shall consist of at least 30 clock-hours of classroom instruction and at least six clock-hours of practice driving in a dual control car. Eight clock-hours of instruction on a multiple car range may be allowed in lieu of four clock-hours of instruction in a dual control car, and twelve clock-hours of instruction in driving simulators may be allowed in lieu of three clock-hours of instruction in a dual control car if prior approval is obtained.
 - 3) Strong emphasis shall be provided to establish and promote essential knowledge, correct habits, fundamental skills, proper attitudes, and a sound understanding of the rules and laws necessary for safe driving.
 - 4) Such a driver education course may include classroom instruction on the safety rules and operation of motorcycles or motor-driven cycles.
- f) Specific minimum requirements for graduation are listed below.
 - 1) 16 units in grades 9-12 if a four-year school and 12 units in grades 10-12 if a three-year high school.
 - 2) In either of the above, one unit shall be in American History or American History and Government. In a four-year high school, three units shall be in Language Arts and, in a three-year high school, two units shall be in Language Arts. In either instance emphasis shall be on reading and writing skills while one-half unit may be in oral communication.

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- 3) 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 advanced study of this subject (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]). No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.

- g) Pursuant to Section 27-22 of the School Code [105 ILCS 5/27-22], students who enter the 9th grade, except ~~handicapped~~-students with disabilities whose course of study is determined by an individualized education program, must successfully complete the following courses, subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma in addition to the applicable requirements of subsection (f) of this Section above and any requirements imposed by the local school district.
 - 1) *three years of language arts;*
 - 2) *two years of mathematics, one of which may be related to computer technology;*
 - 3) *one year of science;*
 - 4) *two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and*
 - 5) *one year chosen from:*
 - A) *music,*
 - B) *art,*
 - C) *foreign language, which shall include American Sign Language, or*
 - D) *vocational education.*

- h) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will

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be accepted as meeting the graduation requirements set forth in subsection (g) of this Section~~above~~, provided that its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.

- i) 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.
- j) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

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

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section 1.610 Personnel Required to be Qualified~~Public School Districts~~

All professional employees of public schools and school districts shall be properly certified as required by Section 21-1 of the School Code [105 ILCS 5/21-1]. No one shall teach or supervise in a public school unless that individual holds a certificate of qualification for the position to which that individual has been assigned, or unless the requirements of 23 Ill. Adm. Code 25.464 have been met. (See Appendices A and B of this Part.) Schools' and districts' compliance with these requirements shall be a factor in their recognition status, as discussed in Section 1.20 of this Part.

- a) No one shall be certified to teach or supervise in the public schools of the State of Illinois who is not of good character, good health, a citizen of the United States or legally present and authorized for employment and at least 19 years of age (Section 21-1 of the School Code [105 ILCS 5/21-1]).
- b) A person not a citizen of the United States but who meets the requirements of subsection (a) of this Section~~above~~ may be issued a certificate valid for teaching or supervising in all grades of the common schools. An applicant for a certificate who is not a citizen of the United States must sign and file with the State Board of Education a letter of intent indicating that either within 10 years after the date that the letter is filed or at the earliest opportunity after the person becomes eligible to apply for U.S. citizenship, the person will apply for U.S. citizenship. (Section 21-1 of the School Code)~~Such a person shall have graduated with not~~

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~~fewer than 120 semester hours (or the equivalent as approved by the State Superintendent of Education) of credit from a recognized institution of higher learning and shall meet other requirements determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.~~

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

Section 1.620 Accreditation of Staff (Repealed)

~~To be a fully recognized school or school district, all professional staff members shall be properly certified in accordance with Section 21-1 of The School Code. No one shall teach or supervise in a public school unless that individual holds a certificate of qualification for the position to which that individual has been assigned. See Appendices A and B for further information.~~

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

Section 1.630 Noncertificated Personnel

- a) ~~Pursuant to Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18], school~~School boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils ~~(The School Code, Sections 10-22.34 and 34-18(9)).~~
- b) Paraprofessionals; Teacher Aides
 - 1) School boards may further utilize volunteer noncertificated personnel or employ noncertificated personnel as paraprofessionals (or "teacher aides") to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities ~~(see Sections~~The School Code, Section 10-22.34 and ~~34-18~~34-18(9) of the School Code) .
 - 2) Employment as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board, except that a paraprofessional first employed on or before June 30, 2004, in a program serving students with disabilities shall be subject to this requirement as of July 1, 2007.~~Teacher aides, except in school districts over 500,000, shall hold an approval form issued by the State Teacher Certification Board. Approval is based upon 30-semester~~

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~~hours of college training or completion of an approved Teacher Aide Program as stated in 23 Ill. Adm. Code 25 (Certification).~~

- 3) Each paraprofessional shall be under the direct supervision and control of a fully certificated teacher when assisting with instruction, whether this occurs in classrooms, laboratories, shops, playgrounds, libraries, or other educational settings where instructional judgment requires the supervision of a fully certificated teacher. The certificated teacher shall be continuously aware of the paraprofessional's activities, i.e., the teacher shall be responsible for controlling the paraprofessional's activities and shall be able to modify them at any time.
 - 4) Paraprofessionals shall not be utilized as substitutes for or replacement of certificated teachers, and they shall not have equivalent responsibilities. Certificated teachers shall exercise professional judgment when assigning duties to paraprofessionals and shall retain the responsibility for determining students' scholastic activities.
 - 5) Each school district shall:
 - A) submit a list of all paraprofessionals it employs to the State Superintendent of Education with its annual application for recognition;
 - B) maintain a file for each paraprofessional that describes his or her functions and includes his or her statement of approval and evidence that he or she has met the relevant requirements of 23 Ill. Adm. Code 25.510; and
 - C) be responsible for ensuring that no individual is employed as a paraprofessional without a statement of approval except as permitted under subsection (b)(2) of this Section and that paraprofessionals are assigned only to tasks for which their approval is valid.
- c) School boards may designate noncertificated persons of good character to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis for school activities not connected with the academic program of the schools (~~see The School Code~~, Section 10-22.34a of the School Code [105 ILCS 5/10-22.34a]).

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- d) School boards may utilize noncertificated persons, under the direction of a certified teacher, for providing specialized instruction related to a course assigned to the certified teacher on a regular basis, not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified or skilled (~~see The School Code, Section 10-22.34b~~ of the School Code [105 ILCS 5/10-22.34b]).
- e) Needed and necessary noncertificated personnel in special education programs under contract to the local board of education shall be governed by 23 Ill. Adm. Code 226 (Special Education).

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

Section 1.640 Requirements for Different Certificates (Repealed)

~~Requirements for the different types of certificates may be secured from the regional superintendents or the State Teacher Certification Board, 100 North First Street, Springfield, Illinois 62777-0001.~~

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

Section 1.650 Transcripts of Credits

Official transcripts of credits earned are issued by institutions of higher ~~education~~learning. In determining whether an individual meets the requirements for a particular assignment, a school district shall not rely upon any transcript that does not bear ~~No transcript of credits will be accepted by a Regional Superintendent, the State Teacher Certification Board, or the State Board of Education unless it bears~~ the seal and the signature of the responsible officer of the institution issuing the transcript.

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

Section 1.660 Records of Professional Personnel

The school district shall maintain records for all professional personnel, ~~as well as teacher aides,~~ currently employed by the district. In addition to the individual's name, the record for each professional employee shall contain at least the copies of official transcripts required by Section 24-23 of the School Code [105 ILCS 5/24-23] and relevant health records, including the verification of freedom from tuberculosis required by Section 24-5 of the School Code [105 ILCS 5/24-5]. Each employee's record may also contain other relevant items ~~These records shall contain the following information:— a) the individual's name; (Section 24-23, The School Code)~~

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~~b) copy of official, up-to-date transcripts; (Section 24-23, The School Code) c) health records, including verification of freedom from tuberculosis; (Section 24-5, The School Code) d) other items,~~ such as verification of past teaching experience, salary schedule placement, and accumulated sick leave.

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

SUBPART G: STAFF QUALIFICATIONS

Section 1.705 Minimum Requirements for Teachers (Repealed)

- a) ~~The minimum requirements for teaching at a specific grade level or in a subject area are set forth in this Subpart.~~
- b) ~~Where the requirements in Section 1.730 of this Part are specifically enumerated for teaching a subject they shall supersede the requirements in Section 1.710 of this Part.~~
- e) ~~Quarter-hour and other credit-hour award systems (e.g., a unit award system) shall be translated into semester hours for purposes of this Subpart.~~

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

Section 1.710 ~~Minimum~~ Requirements for Elementary Teachers

- a) Each elementary teacher shall hold a valid certificate for the grade level or levels to be taught.
- b) Each elementary teacher first assigned to an elementary position on or after September 1, 1978, shall have formal training in each basic instructional area to be taught. ~~This regulation shall apply only to those individuals first assigned to an elementary position on or after September 1, 1978.~~
- c) The endorsement for self-contained general education shall be issued when an individual whose application is received on or before September 30, 2004, demonstrates that he or she has completed the coursework listed in this subsection (c) and passed the test of subject matter knowledge or content-area test and, if he or she has not already passed the test of basic skills and received a certificate based on it, that test as well. For applications received on or after October 1, 2004, the requirements of 23 Ill. Adm. Code 25.100(g) shall apply. ~~For purposes of receiving an endorsement in self-contained general education on an elementary~~

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~~certificate received by splitting a special certificate (see Section 21-4 of the School Code [105 ILCS 5/21-4] and 23 Ill. Adm. Code 25.99(f) and Appendix C (the State Board's rules for Certification)), "formal training" means one course in each of the following areas:~~

- 1) Language Arts
- 2) Mathematics
- 3) Science
- 4) Social Science
- 5) Physical Education
- 6) Health
- 7) Fine Arts
- 8) General Elementary Teaching Methods
- 9) Elementary Reading Teaching Methods

d) Beginning July 1, 2004, no teacher may be assigned to teach self-contained general education at the elementary level unless he or she holds a certificate valid for the grade level or levels to be taught and:

- 1) holds the applicable endorsement; or
- 2) was previously assigned to teach self-contained general elementary education in Illinois based on having met the requirements of this Subpart G that were applicable to that assignment at the time (i.e., the teacher qualified for the relevant endorsement but did not apply for it) and served in such an assignment for at least two full semesters; or
- 3) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

e) Assignments in reading at the elementary level shall be subject to the provisions of Section 1.745 of this Part.

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- f) Additional requirements may apply to holders of elementary certificates who teach in grades 5 through 8; see Section 1.720 of this Part.

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

Section 1.720 ~~Minimum~~ Requirements for Teachers of Middle Grades

- a) The requirements of this Section apply to teachers first employed after September 1, 1973, in departmentalized grades 5 through 8 ("middle-grade teachers"). Teachers first employed in grades 5 through 8 prior to September 1, 1973, or employed in non-departmentalized grades 5 through 8, are subject to the requirements of Section 1.710 of this Part. To qualify as a middle-grade teacher, the teacher must have either completed the coursework identified in subsection ~~(a)(1)(a)~~ of this Section prior to July 1, 1997, or completed the coursework identified in subsection ~~(a)(2)(b)~~ of this Section. In mathematics, some subject matter areas there is specific coursework which must be included among the 18 semester hours to be earned; see subsection (a)(3) of this Section. ~~These requirements are set forth under the relevant subject matter heading in Section 1.730 of this Part.~~

- a)1) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the State Board's rules for Certification (23 Ill. Adm. Code 25) applies. Where a teacher is assigned to deliver instruction in two areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection for one area and have no fewer than 5 semester hours in the other instructional area.

- b)2) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the State Board's rules for Certification applies. Where a middle-grade teacher is assigned to deliver instruction in two areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection for one area and have no fewer than 9 semester hours in the other instructional area. In addition:

- ~~A)4)~~ 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes middle-grade philosophy, middle-grade curriculum

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and instruction, and instructional methods for designing and teaching developmentally appropriate programs (i.e., addressing the cognitive, emotional and physical development of each child) in the middle grades, including content area (e.g., science, social sciences) reading instruction.

B)2) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes educational psychology focusing on the developmental characteristics of early adolescents, the nature and needs of early adolescents, and the role of the middle-grade teacher in assessment, coordination and referral of students to health and social services.

3) For teachers of mathematics in grades 6 through 8 first employed on or after September 1, 1985, the required 18 semester hours in the field shall include three semester hours in the methods of teaching mathematics in those grades and 15 semester hours to be selected from four of the following areas:

A) Math content courses for elementary teachers;

B) Calculus;

C) Modern algebra or number theory;

D) Geometry;

E) Computer science;

F) Probability and statistics;

G) History of mathematics.

b) Beginning July 1, 2004, no individual may be assigned to teach in departmentalized grades 5 through 8 unless he or she holds a certificate that is valid for the grade level or levels to be taught and:

1) holds a middle-grades endorsement applicable to the subject area; or

2) meets the relevant requirements of this Section; or

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- 3) was previously assigned to teach in that field in Illinois based on having met the requirements that were applicable to that assignment at the time (i.e., the teacher qualified for the applicable endorsement but did not apply for it) and served in such an assignment for at least two full semesters; or
- 4) meets the requirements of Section 1.745 of this Part, if applicable; or
- 5) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

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

Section 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004

The provisions of this Section not already superseded by Section 1.735 or 1.736 of this Part are replaced by Section 1.737 of this Part as the minimum requirements for assignments beginning July 1, 2004. However, as provided at 23 Ill. Adm. Code 25.100(f)(2), the operable requirements of this Section shall continue as the basis for issuance of the respective endorsements for all applications received through September 30, 2004. Each subsection of this Section applies only to secondary teachers in the respective subject matter area, unless specific requirements for teachers in grades 6 through 8 are set forth.

- a) Agriculture (Grades 9 through 12)
The requirements set forth in this subsection (a) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(a) of this Part shall take effect.
 - 1) 24 hours in the field, including an appropriate distribution in the following areas, plus preparation in the specific course taught.
 - A) Agricultural Production
 - B) Agricultural Mechanics
 - C) Agricultural Supplies, Services and Products
 - D) Horticulture
 - E) Agricultural Resources and Forestry

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- 2) If special courses are taught in this field, 8 semester hours are required for each course taught.
- b) Art (Grades 9 through 12)
24 semester hours in the field, including an appropriate distribution in:
- 1) Painting, drawing, printmaking
 - 2) Sketching, lettering, jewelry, design, silkscreen
 - 3) Pottery and sculpture
 - 4) Constructional design
 - 5) Art education
 - 6) History and appreciation of art
- c) Aviation-Aerospace Education (Grades 9 through 12)
- 1) General Aviation and/or Aerospace Education
 - A) Completion of an approved aerospace education workshop course. 5 hours of flight orientation or familiarization within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.
 - B) If the material that is being taught is strictly sociological in nature, the flight orientation requirement may be minimal. If the material that is being taught emphasizes astrospace, the teacher should have at least one college course in astronomy.
 - 2) Aviation Science Course
 - A) (Based upon a preflight course leading to completion of the FAA private pilot's written examination.)
 - B) A valid FAA private pilot's license or higher, or a valid FAA ground school instructor's certificate and 10 hours of flight orientation or familiarization in the general aviation category

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aircraft within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.

- d) Business Education (Grades 9 through 12)
- 1) The requirements set forth in this subsection (d) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(b) of this Part shall take effect.
 - 2) 24 semester hours in the field, which shall include a specialized methods course with the following minimum qualifications for the subject matter areas or course taught:
 - A) Typing
6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the typewriting sequence.
 - B) Shorthand and Transcription
6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the shorthand-transcription sequence.
 - C) Bookkeeping, accounting, record keeping
6 semester hours in accounting and a course in data processing, or a statement of equivalency from the institution granting the degree.
 - D) Business law
3 semester hours of business law.
 - E) Distributive subjects; i.e. marketing, retailing, distributive education
8 semester hours covering at least two of the following: sales, retailing, advertising, principles of marketing.
 - F) Business arithmetic
2 semester hours in business mathematics or 6 semester hours in accounting.
 - G) Office practice, secretarial practice, clerical practice, or office machines

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2 semester hours in coursework which includes the operation of the office machines taught in the secondary school course and qualifications for teaching whichever of the following is part of the course: typewriting, shorthand, bookkeeping (see subsections (d)(2)(A), (B), and (C) above).

- H) Basic business, general business, introduction to business, business principles
3 semester hours of consumer education; 3 semester hours of economics and at least 4 semester hours in any two of the following areas: business law, introduction to business marketing, management, or a methods of teaching basic business.
 - I) Business English
2 semester hours in business English, business correspondence, business communications, or business writing.
 - J) Business economics
8 semester hours in the area of economics, finance, financial management, or marketing, including at least one course in principles of economics.
 - K) Data processing
5 semester hours in data processing or the equivalent.
- e) Language Arts – English (Grades 9 through 12)
24 semester hours in the field, including 6 semester hours in rhetoric and composition and not more than 8 semester hours in speech and journalism. To teach grammar, American Literature, English Literature, reading or dramatics, the English teacher must have one course in the subject.
 - f) Journalism (Grades 9 through 12)
8 semester hours in journalism and 16 semester hours in English, or 18 semester hours in journalism and 6 semester hours in rhetoric and composition.
 - g) Speech (Grades 9 through 12)
8 semester hours in speech selected from at least three of the following four areas: public speaking, interpersonal communication, oral interpretation, and group discussion; and 16 semester hours in English or 18 semester hours in speech, selected from the four areas listed above, and 6 semester hours in rhetoric and composition.

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- h) Foreign Language (Grades 9 through 12)
20 semester hours in the language.
No credit may be allowed for high school language, unless such credit is approved by an institution of higher learning, and it is noted on the official transcript, in which case 1 semester hour may be allowed for each unit of high school language, not to exceed 4 semester hours.
- i) Health Education (Grades 9 through 12)
The requirements described in this subsection (i) shall remain in force through June 30, 1994. Thereafter, the requirements set forth in Section 1.736(a) of this Part shall take effect.
- 1) 20 semester hours in the field
 - 2) Required Health Education Component – One course from each of the following areas to total 10-14 semester hours:
 - A) Advanced Concepts of Health
 - B) Programs in School Health
 - C) Programs in Community Health
 - D) Curriculum Development and Evaluation in Health Education
 - 3) Additional Health Education Components – One course from at least three of the following areas to total 6-10 semester hours:
 - A) The Growing and Developing Organism
 - B) Ecological Relationships
 - C) Disease Control
 - D) Human Sexuality and Family Life
 - E) Food Practices and Eating Patterns
 - F) Consumer Health Sources and Resources

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- G) Safety
 - H) Mood-Modifying Substances
 - I) Personal Health Practices
 - J) Mental-Emotional Health
- j) Health Occupations (Grades 9 through 12)
The requirements set forth in this subsection (j) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(c) of this Part shall take effect.
- 1) 24 semester hours in a health occupations specialty (e.g. medical laboratory, nursing, radiologic technology, inhalation therapy)
 - 2) Graduation from an approved technical-level program in a specific health field with a minimum of 2,000 hours of post-graduate practical work experience in the health specialty in which trained.
 - 3) Shall be certified, licensed or registered in the health occupations specialty.
- k) Home Economics Education (Grades 9 through 12)
The requirements set forth in this subsection (k) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(d) of this Part shall take effect.
- 1) 24 semester hours in the field, including work in some of the following areas, plus preparation in the specific teaching area.
 - A) Human Development (includes prenatal, child, adolescent and adult development and care)
 - B) Interpersonal and Family Relationships
 - C) Consumer Education and Home Management
 - D) Nutrition and Food
 - E) Housing, Home Furnishings and Equipment

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- F) Clothing and Textiles
 - 2) To teach a special course in any of the above areas, 8 semester hours are required in the area to be taught.
- l) Industrial Arts (Grades 9 through 12)

The requirements set forth in this subsection (l) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(e) of this Part shall take effect.

 - 1) 24 semester hours in the field, including work in each shop subject to be taught.
 - 2) To teach a unit shop, the teacher shall have 8 semester hours in the subject taught.
- m) Mathematics
 - 1) In grades 9-12
25 semester hours in the field, including:
 - A) a minimum of 8 semester hours from calculus,
 - B) 3 semester hours of coursework in the teaching of secondary school mathematics; and
 - C) 14 semester hours of work from at least four of the following areas:
 - i) Computer Science
 - ii) Linear Algebra
 - iii) Modern Algebra
 - iv) Geometry
 - v) Applied mathematics
 - vi) Probability and statistics

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- vii) History of mathematics
- 2) In grades 6-8
18 semester hours in the field including:
- A) 3 semester hours in the methods of teaching mathematics in grades 6-8
 - B) 15 semester hours to be selected from four of the following areas:
 - i) Math content courses for elementary teachers
 - ii) Calculus
 - iii) Modern algebra or number theory
 - iv) Geometry
 - v) Computer Science
 - vi) Probability and statistics
 - vii) History of mathematics
- 3) The requirements of Section 1.730(m) are not applicable to personnel employed prior to September 1, 1985.
- n) Music (Grades 9 through 12)
- 1) Vocal
24 semester hours in the field, including:
 - A) Applied vocal music
 - B) Music theory
 - C) Conducting
 - D) History of music

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- E) Methods and materials for general school vocal music
- 2) Music – Instrumental
24 semester hours in the field, including:
 - A) Applied instrumental music
 - B) Music theory
 - C) Conducting
 - D) Methods and materials for general school instrumental music
 - 3) These standards do not apply to those individuals employed prior to September 1, 1978.
- o) Physical Education (Grades 9 through 12)
The requirements described in this subsection (o) shall remain in force through June 30, 1994. Thereafter, the requirements set forth in Section 1.736(b) of this Part shall take effect.
 - 1) 20 semester hours in the field which shall include the following:
 - A) 5 semester hours to be selected from at least two of these areas:
 - i) Anatomy
 - ii) Physiology
 - iii) Kinesiology
 - iv) Physiology of exercise
 - B) One course from each of the three areas below to total 5 semester hours:
 - i) Dance and/or rhythmic activities
 - ii) Individual-dual activities

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- iii) Team sports
- C) 10 semester hours to be selected from at least three of the four areas listed below:
 - i) Instructional methods for physical education
 - ii) Curriculum design for physical education
 - iii) Physical Education for the atypical child (optional, but strongly recommended)
 - iv) Physical education for the elementary school (required for elementary school; optional, but strongly recommended for secondary school)
- 2) This standard does not apply to those individuals employed prior to September 1, 1978.
- p) Psychology (Grades 9 through 12)
20 semester hours in the field
- q) Safety and Driver Education (Grades 9 through 12)
16 semester hours in the field, including preparation as follows:
 - 1) 3 semester hours in general safety
 - 2) 5 semester hours in driver education and advanced traffic safety
 - 3) 8 semester hours chosen from two or more of the following areas:
 - A) General safety, including traffic and industrial safety
 - B) Advanced psychology and sociology
 - C) First aid and health education
 - D) Instructional materials
 - 4) Teachers assigned to either simulation or multiple-car programs shall have preparation in the use of these methods which shall consist of a minimum

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of 1 semester hour or its equivalent in each area.

- r) Science, Biological (Grades 9 through 12)
24 semester hours in the field, including the semester hours indicated in the subject to be taught
- 1) Biology
8 semester hours in botany including 5 semester hours in laboratory work,
8 semester hours in zoology including 5 semester hours in laboratory
work. 10 semester hours laboratory work in biology satisfies the
laboratory requirement.
 - 2) Botany
8 semester hours including 5 semester hours in laboratory work.
 - 3) Physiology
8 semester hours
 - 4) Zoology
8 semester hours in zoology including 5 semester hours in laboratory
work.
- s) Science, Physical (Grades 9 through 12)
24 semester hours in the field, including the semester hours indicated in the
subject to be taught:
- 1) Astronomy – 5 semester hours
 - 2) Chemistry – 10 semester hours including 4 semester hours in laboratory
work
 - 3) Geology – 8 semester hours
 - 4) Physics – 10 semester hours including 4 semester hours in laboratory
work
 - 5) Physiography – 5 semester hours
 - 6) Aerospace – 5 semester hours
 - 7) Earth science – 8 semester hours

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- 8) In astronomy, geology, and earth science, it is recommended that field experiences be included as part of the hourly requirements. In addition, it is recommended that a teacher of astronomy, chemistry, or physics have the minimum preparation required of a mathematics teacher.
- t) Science, General (Grades 9 through 12)
24 semester hours in the field including:
- 1) Physical science – 8 semester hours
 - 2) Biological science – 8 semester hours
- u) Social Studies (Grades 9 through 12)
24 semester hours in the field, including the semester hours indicated in each subject to be taught:
- 1) United States History – 8 semester hours
 - 2) Civics, Political Science – 8 semester hours
 - 3) Economics – 8 semester hours
 - 4) Geography – 8 semester hours
 - 5) Sociology – 8 semester hours
 - 6) World History – 8 semester hours in World History, 5 semester hours in U.S. History
 - 7) Anthropology – 5 semester hours
 - 8) Every history teacher shall have 16 semester hours in history.
- v) Vocational Education (Reimbursable Training Programs, Grades 9 through 12)
All instructional personnel and coordinators shall hold a valid teaching certificate. The requirements set forth in this subsection (v) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(f) of this Part shall take effect.
- 1) Instructional Personnel – The requirements for instructional personnel in

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reimbursable programs in the five areas of Industrial-Oriented, Applied Biological and Agricultural, Home Economics, Health Occupations, and Business, Marketing and Management are:

- A) A minimum of 2,000 hours of employment experiences in the occupational specialty to be taught.
 - B) The district may employ an individual who does not meet the provisions of subsection (v) (1) (A) above, providing the employment experience requirement will be met within four (4) years from the date of employment by: 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. Options of this paragraph must be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.
 - C) For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is mandated.
- 2) Cooperative Teacher Coordinator
Professional competencies for specialized cooperative occupational education:
- A) Occupational Education
Teacher-coordinators of specialized cooperative education in any one of the following areas:
 - i) Agriculture and Agri-Business
 - ii) Business and Office
 - iii) Distributive Education
 - iv) Health Occupations
 - v) Home Economics and Related Occupations
 - vi) Industrial Oriented Occupations Cooperative Work Training

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- B) To be approved, an individual shall possess 16 semester hours in the field, which shall include a methods course in the occupational specialized area; in addition, 6 semester hours in the area of organization and administration of cooperative occupational education, coordination in techniques, and individualized instructional methodology. In addition, the coordinator shall possess a minimum of: 2,000 hours of employment experience in the occupational specialty to be taught, or complete a directed occupational experience in the appropriate specialized area, equivalent to the 2,000 hour employment requirement, or complete a combination of employment experience and directed occupational experience equivalent to the 2,000 hour employment experience requirement within four (4) years from date of initial employment as a coordinator. The latter two of these three options shall be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.
- 3) **Special Needs Cooperative Teacher Coordinator**
In schools with cooperative courses to serve students with special needs, such as Work Experience and Career Exploration Program, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (v)(2) of this Section (except that the 16 semester hours in occupational education shall be waived).
- 4) **Interrelated Cooperative Occupational Teacher Coordinator**
Coordinators of interrelated cooperative education shall meet certification standards in at least one of the occupation areas listed above and meet the requirement of subsection (v)(2) above.
- 5) **Compliance with Legal, Governmental and Professional Requirements**
For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is required.
- 6) The requirements of subsection (v) are not applicable to personnel employed prior to September 1, 1978.

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

Section 1.735 Requirements to Take Effect ~~from on~~ July 1, 1991, through June 30, 2004

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The requirements of this Section shall apply only to personnel employed on or after July 1, 1991, and shall be replaced beginning July 1, 2004, as the minimum requirements for the respective assignments by the applicable provisions of Section 1.737 of this Part. However, as provided at 23 Ill. Adm. Code 25.100(f)(2), the requirements of this Section shall continue as the basis for issuance of the respective endorsements for all applications received through September 30, 2004. For the purposes of this Section, the term "upper-division level" refers to coursework normally offered to students by postsecondary educational institutions during their junior or senior year. The term "preparation level" means courses usually taught during the junior or senior year of high school.

- a) Agricultural Education (Grades 9 through 12)
 - 1) Twenty-four (24) semester hours, to include:
 - A) A vocational/occupational education methods course at the upper-division level.
 - B) Twelve (12) semester hours, including at least one course in each of the following areas:
 - i) Agricultural Exploration/Orientation – agricultural careers, supervised occupational experience programs, adult education in agriculture, agricultural leadership;
 - ii) Agricultural Entrepreneurship – agricultural merchandising, agricultural business procedures, agricultural economics, computer applications in agriculture;
 - iii) Agricultural Natural Sciences – animal science, plant science, soil science;
 - iv) Agricultural Physical Science/Mechanization – servicing small engines, surveying, electrical wiring, building agricultural structures.
 - C) A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (a)(1)(B) above) in one of the following endorsement areas:

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- i) Agricultural Business and Management – agricultural commodity and product marketing, financing agricultural businesses, agricultural business management, computerization in agriculture, producing, processing, promoting and selling agricultural products;
 - ii) Agricultural Power and Machinery – gasoline and diesel power units, field machinery, electric motors and controls, hydraulic systems, power transmission systems;
 - iii) Horticulture – floriculture, vegetable and fruit production, landscaping and turf management, nursery and greenhouse operation and management;
 - iv) Agricultural Resources – agricultural conservation, recreation management, forestry production and management, game and wildlife management.
- 2) To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.
 - 3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.
- b) Business, Marketing, and Management (Grades 9 through 12)
 - 1) Twenty-four (24) semester hours, to include:
 - A) A vocational/occupational education methods course at the upper-division level.

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- B) Twelve (12) semester hours, including at least one course in each of the following areas:
- i) Business Exploration/Orientation – business management, survey of business, and its environment, business principles;
 - ii) Business Computer Applications – microcomputer applications, data processing, management information systems, introduction to data processing/computers;
 - iii) Business Communications – business English, business communications, business report writing, business correspondence;
 - iv) Business Mathematics – quantitative methods of business, finance, mathematics for business, statistics or one (1) year of college mathematics.
- C) A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (b)(1)(B) above) in one of the following endorsement areas:
- i) Accounting – accounting, financial accounting, managerial accounting, or finance, with one course in the upper division;
 - ii) Basic Business – economics, survey of business, business law, entrepreneurship, consumer education or upper division course(s) in management and/or marketing;
 - iii) Information Processing – microcomputer applications, introduction to computers, including the terminal course in the word processing and/or typewriting sequence, and one upper-division course in office administration/information management;
 - iv) Information Processing/Secretarial – microcomputer applications, introduction to computers including one upper-division course in office administration/information management, the terminal course in the word processing

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and/or typewriting sequence and the terminal course in a shorthand system;

- v) Business Computer Programming/Systems – business computer programming, microcomputer applications, systems analysis, including one upper-division management information system (MIS), systems analysis, or business computer programming course; or
 - vi) Marketing – upper-division courses in advertising, sales, retailing, marketing, wholesaling, consumer behavior, entrepreneurship.
- 2) Business, Marketing and Management teachers who hold a Business, Marketing and Management endorsement may teach an orientation/exploratory composite course which addresses a variety of subject areas in Business, Marketing and Management Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in subsection (b)(1)(C) of this Section.
- 3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.
- c) Health Occupations (Grades 9 through 12)
Twenty-four (24) semester hours, to include:
- 1) A vocational/occupational education methods course at the upper-division level.
 - 2) Twelve (12) semester hours, including at least one course in each of the

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following areas:

- A) Introduction to Health Occupations – introduction to various health professions, education requirements, licensure/registration/certification, career mobility, job market, technologies and other information;
 - B) Principles and Philosophies of Vocational Education – nature and purpose of vocational, occupational and career education, their relationships and differences, and the place of each in preparing for the world of work;
 - C) Occupational Analysis and Curriculum Development – upper-division course in a systems approach to curriculum development and instruction methods utilized in vocational and occupational education. Includes analyzing operations and jobs, specifying objectives, and developing curriculum;
 - D) Occupational Internship – upper-division course(s) of experiential activities which are based upon required occupational skills and knowledge and are related to health occupations.
- 3) Endorsement
- A) In addition to the 12 semester hours listed in subsection (c)(2) above, licensure, registration or certification is required in one health occupations specialty, e.g., respiratory therapy, radiology, medical records technology, medical assisting, nursing or other health occupation.
 - B) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no

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longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

- d) Home Economics (Grades 9 through 12)
 - 1) Twenty-four (24) semester hours, to include:
 - A) A vocational/occupational education methods course at the upper-division level.
 - B) Twelve (12) semester hours, to include one course in four of the six following areas:
 - i) Human Development, Child Development – human, prenatal, child, adolescent growth and development and care, adult care, gerontology, administration of child care programs, instructional activities and materials for preschoolers;
 - ii) Interpersonal and Family Relationships and Parenting – interpersonal and family relationships, family life, adult living, family dynamics, parenting, human relationships;
 - iii) Consumer and Resource Management – family finance, consumer education, consumer economics, consumer management, resource management, home management;
 - iv) Housing, Interior Furnishings, Living Environments – home furnishings, interior design, household equipment, basic design, living environments, housing;
 - v) Food and Nutrition, Food Service, Hospitality – foods and nutrition, food preparation, quantity food preparation, food sanitation, hospitality management, food management, therapeutic nutrition;
 - vi) Clothing, Textiles, Fashion – clothing selection, clothing construction, costume design, history of fashion, apparel merchandising, textiles selection.

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- C) A minimum of one concentration (9 semester hours in addition to the 12 hours listed in subsection (d)(1)(B) above) in the endorsement areas of:
- i) Child and Day Care Services – 9 semester hours, to include 6 from subsection (d)(1)(B)(i) above and 3 from subsection (d)(1)(B)(ii) above;
 - ii) Food and Nutrition Services – 9 semester hours from subsection (d)(1)(B)(v) above;
 - iii) Fashion and Clothing Services – 9 semester hours from subsection (d)(1)(B)(vi) above;
 - iv) Interior Furnishings Services/Living Environments – 9 semester hours, to include 6 from subsection (d)(1)(B)(iv) above and 3 from subsection(s) (d)(1)(B)(iii) and/or (vi) above;
 - v) Institutional and Home Management Services – 9 semester hours, including one course from four of the areas listed in subsections (d)(1)(B)(i) through (v) above;
 - vi) Consumer Education and Resource Management – 9 semester hours, to include 6 from subsection (d)(1)(B)(iii) above and the remainder from subsection (d)(1)(B)(i), (ii), (iv), (v), or (vi) above; or
 - vii) Interpersonal, Family Relationships, Parenting – 9 semester hours, to include 6 from subsection (d)(1)(B)(ii) above and 3 from subsection (d)(1)(B)(i) above.
- 2) Home Economics teachers who hold a Home Economics endorsement may teach an orientation/exploratory composite course which addresses a variety of subject areas in Home Economics Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in subsection (d)(1)(C) above.
- 3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work

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experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

- e) Industrial Technology Education (Grades 9 through 12)
 - 1) Twenty-four (24) semester hours, to include:
 - A) A vocational/occupational education methods course at the upper-division level.
 - B) Twelve (12) semester hours of laboratory-based courses in industrial technology, including at least one course in each of the following content areas:
 - i) Communication Technology – design and drafting, broadcasting, computers in communication, photography, graphic arts, telecommunications;
 - ii) Production Technology – managing the enterprise, materials and processes, research and development, producing, marketing, servicing in the manufacturing/construction enterprise;
 - iii) Transportation Technology – material handling conveyors, space transportation, atmospheric transportation, marine transportation, terrestrial transportation;
 - iv) Energy Utilization Technology – energy conversion, solar resources, wind and water resources, fossil fuels, nuclear energy resources, energy conservation.
 - C) A minimum of one concentration (9 semester hours of laboratory-based courses in addition to the 12 semester hours listed in

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subsection (e)(1)(B) above) in one of the following endorsement areas:

- i) Construction – carpentry, building maintenance, residential and commercial, electricity, painting, plumbing, cement and brick masonry, drywall application and roofing;
- ii) Electronics – computer repair, radio and television repair, small appliance repair, electrical and electronic instrument repair, electromedical equipment repair, communication equipment installation and repair;
- iii) Graphic Communications – press operation, composition and typesetting, commercial art, lithographic press operation, platemaking, photography, printing camera operation;
- iv) Transportation – small gasoline engine repair, aircraft mechanical systems repair, automobile engine repair, diesel engine repair, automobile and truck mechanical systems repair, motor vehicle repair;
- v) Manufacturing – machine tool operation, tool and die making, sheet metal fabrication, welding and metal fabrication, production cabinet making, plastics-forming and fabrication, machinery maintenance, automated manufacturing equipment set-up and maintenance, numerical control machine operation, computer numerical control machine operation;
- vi) Industrial Technology – mechanical systems, hydraulic systems, pneumatic systems, thermal systems, electrical systems, communication systems, transportation systems, production systems, energy and power utilization;
- vii) Public Service – fire-fighting technology, police science, criminal justice technology, security services;
- viii) Drafting/Design – architectural drafting, mechanical drafting, civil drafting, computer-aided drafting and design, geometric construction, industrial design;

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- ix) Autobody Repair – frame inspection and alignment, body and fender repair, glass installation, vinyl top repair, automotive painting; or
 - x) Heating, Ventilation and Air Conditioning – installation and repair of heating, air conditioning and ventilation systems, installation and repair of refrigeration and air conditioning systems.
- 2) To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.
- 3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in each specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.
- f) Vocational Education Teachers (Reimbursable Training Programs, Grades 9 through 12)
The requirements for instructional personnel to teach in reimbursable programs in Agricultural Education; Business, Marketing and Management; Health Occupations; Home Economics Occupations; and Industrial Technology Education are:
- 1) Instructors must meet the certification standards in one of the above occupational areas and possess a valid teaching certificate.
 - 2) Instructors teaching preparation-level courses must have a minimum of 2,000 hours of work experience in the specific endorsement area to be taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area.

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Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

- 3) A district may employ an individual who does not have 2,000 hours of employment experience in the occupational specialty to be taught, provided that the employment experience requirement will be met within four (4) years from the date of employment by either 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. A directed occupational experience means: a combination of work experience and a university credit-generating course specifically designed to supervise the work experience equal to one-half of the required 2,000 hours; or participation in a work experience with supervision similar to that provided through a university course setting provided by a local agency administrator equal to one-half of the required 2,000 hours. Options chosen pursuant to this subsection must be described in detail in the Regional Education for Employment Plan and will be approved, if:
 - A) The work experience is a paid employment experience; and
 - B) The work experience is outside of the education or teaching profession.
- 4) Cooperative Teacher Coordinator
 - A) The requirements for teacher-coordinators of specialized cooperative education in Agricultural Education; Business, Marketing and Management; Health Occupations; Home Economics Occupations; and Industrial Technology Education include:
 - i) Twenty-four (24) semester hours in the ~~specialty~~ ~~speciality~~ area, which shall include a methods course, six (6) semester hours in the area of organization and administration of cooperative education; and
 - ii) A minimum of 2,000 hours of employment experience in

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the occupational specialty to be taught; or

- iii) Completion of a directed occupational experience in the appropriate specialized area, equivalent to the 2,000-hour employment requirement; or
 - iv) Completion of a combination of employment experience and directed occupational experience equivalent to the 2,000-hour employment experience requirement within four (4) years from the date of initial employment as a coordinator.
- B) Options chosen pursuant to subsections (f)(4)(A)(iii) and (iv) above shall be described in detail in the district's Regional Education for Employment Plan and will be approved, if:
- i) The work experience is a paid employment experience; and
 - ii) The work experience is outside of the education or teaching profession.
- 5) **Special Vocational Teacher Coordinator**
In schools with cooperative courses to serve students with special needs, such as the Work Experience and Career Exploration Program, Early School Leaver Program, and vocationally reimbursed Special Education Cooperative Education, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (f)(4) of this Section, except that the twenty-four (24) semester hours in the occupational specialty area shall be waived. The coordinator shall possess six (6) semester hours in the area of organization and administration of cooperative education.
- 6) **Interrelated Cooperative Occupational Teacher Coordinator and Cooperative Work Training (CWT) Teacher Coordinator**
Coordinators of interrelated cooperative education and cooperative work training shall meet certification standards in at least one of the specialty areas listed in subsection (f)(4)(A) of this Section and shall meet the requirements for a Cooperative Teacher Coordinator.
- 7) **Compliance with Legal, Governmental and Professional Requirements**
For those occupations in which employment or preparation is regulated by

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law or licensure, compliance with those laws is required.

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

Section 1.736 Requirements to Take Effect ~~from on~~ July 1, 1994, through June 30, 2004

The requirements described in this Section shall apply only to personnel employed on or after July 1, 1994, and shall be replaced beginning July 1, 2004, as the minimum requirements for the respective assignments by the applicable provisions of Section 1.737 of this Part. However, as provided at 23 Ill. Adm. Code 25.100(f)(2), the requirements of this Section shall continue as the basis for issuance of the respective endorsements for all applications received through September 30, 2004.

- a) Health Education (Grades 9 through 12)
 - 1) 24 semester hours in the field.
 - 2) Required Health Education Core Component – One course from each of the following areas, for a total of 10-14 semester hours:
 - A) Theories and Concepts of Health (Anatomy and physiology may not be counted in meeting this requirement.)
 - B) Programs in School Health
 - C) Programs in Community Health
 - D) Curriculum Development and Evaluation in Health Education
 - 3) Additional Health Education content – At least 10 semester hours distributed as follows:
 - A) At least one course in Human Sexuality or Sex Education
 - B) At least one course in Drug/Chemical Use and Abuse
 - C) At least two courses chosen from the following list of electives:
 - i) Mental/Emotional Health
 - ii) Environmental Health

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- iii) Disease Prevention and Control
 - iv) Nutrition and Dietary Patterns
 - v) Consumer Health
 - vi) Safety and Injury Control
 - vii) Personal Health Practices
- b) Physical Education (Grades 9 through 12)
- 1) 24 semester hours in the field
 - 2) Knowledge and Skill Acquisition – At least one course in each of the following, for a total of at least 6 semester hours:
 - A) Health-Related Fitness (e.g., conditioning, aerobic fitness exercise, stress management)
 - B) Rhythm and Dance
 - C) Individual Sports/Activities
 - D) Team Sports
 - 3) Scientific Foundations
At least 9 semester hours distributed as follows:
 - A) 3 semester hours earned in at least one of the following:
 - i) Human Anatomy
 - ii) Human Physiology
 - B) 6 semester hours from at least two of the following areas:
 - i) Exercise Physiology
 - ii) Kinesiology or Biomechanics

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- iii) Motor Learning, Motor Behavior, or Motor Development
- C) Curriculum and Instruction – At least one course in each of the following, all of which must explicitly include an emphasis on both regular and special populations:
 - i) Curriculum Design in Physical Education
 - ii) Instructional Strategies/Methodology in Physical Education
 - iii) Assessment/Evaluation of Physical Education (Learning Assessment and Program Evaluation)

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

Section 1.737 Minimum Requirements for the Assignment of Teachers at the Secondary Level Beginning July 1, 2004

- a) Beginning July 1, 2004, no teacher may be assigned to teach a particular subject at the secondary level unless he or she holds a certificate that is valid for the grade level or levels to be taught and:
 - 1) holds the applicable endorsement for the subject area; or
 - 2) was previously assigned to teach that subject in Illinois based on having met the requirements of this Subpart G that were applicable to that assignment at the time (i.e., the teacher qualified for the relevant endorsement but did not apply for it) and served in such an assignment for at least two full semesters; or
 - 3) meets the minimum requirements for that assignment identified in subsection (b) of this Section and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(k); or
 - 4) meets the requirements of Section 1.745 of this Part, if applicable; or
 - 5) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

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- b) Beginning July 1, 2004, the provisions of this Section shall replace those of Sections 1.730, 1.735, and 1.736 of this Part as one basis upon which school districts and other entities subject to this Part may assign individuals to teach specific subjects. The qualifications identified in this subsection (b) are not the same as those for the respective endorsements, nor are they intended to match the requirements for identification as a “highly qualified” teacher in any particular subject area. Each individual who is first assigned to a subject area based upon the qualifications delineated in this subsection (b) shall be subject to the requirement for acquiring an endorsement in the respective field within three years after the date of assignment, in accordance with 23 Ill. Adm. Code 25.100(k). For purposes of the applicability of this requirement, an individual shall be considered “first assigned” to any field in which he or she has not taught for at least two full semesters in Illinois prior to July 1, 2004.
- 1) For agricultural education; visual or drama/theatre arts; business, marketing, and computer education; dance; English language arts; health education; health careers; family and consumer sciences; technology education; mathematics; music; physical education; biology; chemistry; earth and space science; environmental science; physics; economics; geography; history; political science; psychology; sociology and anthropology: 24 semester hours in the field.
 - 2) For foreign language: 20 semester hours in the language (unless 23 Ill. Adm. Code 25.85 or 25.86 applies).
 - 3) For safety and driver education: 16 semester hours in the field.
 - 4) For assignments in reading, the requirements of Section 1.745 of this Part shall apply.
- c) An individual who is identified as assignable in a particular subject area pursuant to subsection (a)(2) of this Section may request that the State Board of Education delete this identification from its records if he or she believes it was made in error.

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

Section 1.740 Standards for Reading through June 30, 2004

The requirements of this Section shall apply through June 30, 2004, to (Required of all K-12 Reading Specialists) i.e. those teachers whose major teaching assignment is reading-Reading. The requirements of Section 1.745 of this Part shall apply beginning July 1, 2004.

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- a) 18 semester hours of graduate/undergraduate level work in the field, including preparation in the following areas:
- 1) Foundation or survey of reading fundamentals including reading in the content areas
 - 2) Testing procedures and diagnosis of reading disabilities
 - 3) Diagnostic teaching techniques and materials
 - 4) Clinical or laboratory practicum in reading
 - 5) Literature appropriate for the age of students included in the program.
- b) This standard does not apply to those individuals employed prior to September 1, 1978.

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

Section 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004

- a) A reading teacher is one whose assignment involves teaching reading to students, while a reading specialist is one whose assignment involves primarily the provision of technical assistance and/or professional development to other teachers. Separate sets of standards and requirements govern the issuance of these two endorsements (see 23 Ill. Adm. Code 27.110 and 27.120, as well as 23 Ill. Adm. Code 25.100(i)).
- b) Beginning July 1, 2004, no individual may be assigned to teach reading, other than reading as part of general classroom instruction provided by that individual, or to serve as a reading specialist unless he or she holds a certificate valid for the grade level or levels of the assignment and:
- 1) holds the endorsement appropriate to the assignment; or
 - 2) was previously assigned to teach reading in Illinois based on having met the requirements of this Subpart G that were applicable at the time (i.e., the teacher qualified for the reading endorsement but did not apply for it) and served in such an assignment for at least two full semesters; or

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- 3) presents evidence of having completed 18 semester hours of college coursework in reading that included relevant pedagogy prior to July 1, 2005, or 24 semester hours including relevant pedagogy on or after July 1, 2005, and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(k); or
- 4) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 1.750 Standards for Media Services through June 30, 2004

Preparation of Person Providing Media Services

- a) Media Professional: responsible for both library and audio-visual services to students, teachers and other school personnel.

Appropriate Teacher Certificate. Work in the field: 18 semester hours in library science – media; professional preparation (at four-year college and/or graduate levels) in administration, organization (cataloging and classification), reference, and selection of materials (elementary and/or secondary levels).

- b) Media Specialist: responsible for both library and audio-visual services to students, teachers and other school personnel.

Standard Special Certificate with Library Science – Media (instructional materials) Teaching Endorsement. Work in field: 32 semester hours in media (instructional materials, library science, audio-visual) including professional preparation (at four-year college and/or graduate levels) in administration, organization (cataloging and classification), reference and selection of materials for both elementary and secondary levels, production and communications.

- c) Media Supervisor or Director: works with teachers and supervises other media professionals and specialists.

Supervisory or Standard Special Supervisory Endorsement, or the General Supervisory Endorsement (Administrative Certificate) with specialization in media.

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- d) These standards do not apply to those individuals employed prior to September 1, 1978.

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

Section 1.755 Requirements for Library Information Specialists Beginning July 1, 2004

Beginning July 1, 2004, no individual shall be assigned to provide library and audio-visual services to students, teachers and other school personnel unless he or she holds a certificate that is valid for the grade level or levels of the students to be served and:

- a) holds an endorsement for Library Information Specialist or a comparable, previously issued endorsement such as Media or Library Science; or
- b) was previously assigned to serve in Illinois in that capacity based on having met the requirements of this Subpart G that were in effect at the time (i.e., the individual qualified for an endorsement but did not apply for it) and served in such an assignment for at least two full semesters; or
- c) presents evidence of having completed 18 semester hours of college coursework in the field and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(k); or
- d) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

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

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Section 1.APPENDIX A Professional Staff Certification

Types of Certificates

The following list of certificates identifies those certificates which, if properly registered and renewed, are valid for teaching, administering or performing the specified service in Illinois public schools. ~~Questions about the validity of certificates should first be referred to the Regional Superintendent of schools. The State Teacher Certification Board will also answer questions on a certificate's validity.~~

Code	Type of Certificate	Grade Level Valid For	Still Issued	Years Valid	School Code
02	Early Childhood	to age 6 excluding Kdg.	No	4	21-2.1
03	Standard Elementary	K-9	No Yes	4	21-3
<u>03</u>	<u>Initial Elementary</u>	<u>K-9</u>	<u>Yes</u>	<u>4 years of teaching within 12 years</u>	<u>21-1a; 21-2; 21-3</u>
<u>03</u>	<u>Standard Elementary</u>	<u>K-9</u>	<u>Yes</u>	<u>5</u>	<u>21-1a; 21-2; 21-3</u>
<u>03</u>	<u>Master Elementary</u>	<u>K-9</u>	<u>Yes</u>	<u>10</u>	<u>21-1a; 21-2; 21-3</u>
04	Early Childhood	Birth-3	No Yes	4	21-2.1
<u>04</u>	<u>Initial Early Childhood</u>	<u>Generally Birth- Grade 3 (as endorsed)</u>	<u>Yes</u>	<u>4 years of teaching within 12 years</u>	<u>21-1a; 21-2; 21-2.1</u>
<u>04</u>	<u>Standard Early Childhood</u>	<u>Generally Birth- Grade 3 (as endorsed)</u>	<u>Yes</u>	<u>5</u>	<u>21-1a; 21-2; 21-2.1</u>
<u>04</u>	<u>Master Early Childhood</u>	<u>Generally Birth- Grade 3 (as endorsed)</u>	<u>Yes</u>	<u>10</u>	<u>21-1a; 21-2; 21-2.1</u>
05	Provisional Early Childhood	Birth-3	Yes	2	21-10
06	Kindergarten-Primary	K-3	No	4	
09	Standard High School	6-12*	No Yes	4	21-5

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<u>09</u>	<u>Initial Secondary</u>	<u>6-12</u>	<u>Yes</u>	<u>4 years of teaching within 12 years</u>	<u>21-1a;</u> <u>21-2;</u> <u>21-5</u>
<u>09</u>	<u>Standard Secondary</u>	<u>6-12</u>	<u>Yes</u>	<u>5</u>	<u>21-1a;</u> <u>21-2;</u> <u>21-5</u>
<u>09</u>	<u>Master Secondary</u>	<u>6-12</u>	<u>Yes</u>	<u>10</u>	<u>21-1a;</u> <u>21-2;</u> <u>21-5</u>
10	Standard Special	K-12 Field Endorsed	<u>No</u> Yes	4	21-4
<u>10</u>	<u>Initial Special K-12</u>	<u>K-12 Field Endorsed</u>	<u>Yes</u>	<u>4 years of teaching within 12 years</u>	<u>21-1a;</u> <u>21-2;</u> <u>21-4</u>
<u>10</u>	<u>Standard Special K-12</u>	<u>K-12 Field Endorsed</u>	<u>Yes</u>	<u>5</u>	<u>21-1a;</u> <u>21-2;</u> <u>21-4</u>
<u>10</u>	<u>Master Special K-12</u>	<u>K-12 Field Endorsed</u>	<u>Yes</u>	<u>10</u>	<u>21-1a;</u> <u>21-2;</u> <u>21-4</u>
<u>10</u>	<u>Initial Special Preschool- Age 21</u>	<u>Generally Birth- Age 21</u>	<u>Yes</u>	<u>4 years of teaching within 12 years</u>	<u>21-1a;</u> <u>21-2;</u> <u>21-4</u>
<u>10</u>	<u>Standard Special Preschool-Age 21</u>	<u>Generally Birth- Age 21</u>	<u>Yes</u>	<u>5</u>	<u>21-1a;</u> <u>21-2;</u> <u>21-4</u>
<u>10</u>	<u>Master Special Preschool- Age 21</u>	<u>Generally Birth- Age 21</u>	<u>Yes</u>	<u>10</u>	<u>21-1a;</u> <u>21-2;</u> <u>21-4</u>
11	Vocational	7-12 Field Endorsed	No	4	
14	Junior College	9-14 Field Endorsed	No	4	
17	Special Exc. Children	K-14 Field Endorsed	No		
20	Special	11-12 Electives 10 hrs. per Week	No	4	
21	General	Adult Field Endorsed	<u>No</u> Yes		<u>(21-11 repealed)</u>
<u>22</u>	<u>Alternative Elementary</u>	<u>K-9</u>	<u>No</u>	<u>4</u>	<u>21-5b</u>

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<u>22</u>	<u>Initial Alternative Elementary</u>	<u>K-9</u>	<u>Yes</u>	<u>4</u>	<u>21-5b</u>
<u>22</u>	<u>Standard Alternative Elementary</u>	<u>K-9</u>	<u>No</u>	<u>4</u>	<u>21-5b</u>
<u>23</u>	<u>Provisional Alternative Elementary</u>	<u>K-9</u>	<u>Yes</u>	<u>1</u>	<u>21-5b;</u> <u>21-5c</u>
<u>24</u>	<u>Alternative Secondary</u>	<u>6-12</u>	<u>No</u>	<u>4</u>	<u>21-5b</u>
<u>24</u>	<u>Initial Alternative Secondary</u>	<u>6-12</u>	<u>Yes</u>	<u>4</u>	<u>21-5b</u>
<u>24</u>	<u>Standard Alternative Secondary</u>	<u>6-12</u>	<u>No</u>	<u>4</u>	<u>21-5b</u>
<u>25</u>	<u>Provisional Alternative Secondary</u>	<u>6-12</u>	<u>Yes</u>	<u>1</u>	<u>21-5b;</u> <u>21-5c</u>
<u>26</u>	<u>Provisional Alternative Administrative</u>	<u>K-12</u>	<u>Yes</u>	<u>1</u>	<u>21-5d</u>
<u>27</u>	<u>Provisional Alternative Special</u>	<u>K-12 Field Endorsed</u>	<u>Yes</u>	<u>1</u>	<u>21-5b;</u> <u>21-5c</u>
<u>28</u>	<u>Alternative Special</u>	<u>K-12 Field Endorsed</u>	<u>No</u>	<u>4</u>	
<u>28</u>	<u>Initial Alternative Special</u>	<u>K-12 Field Endorsed</u>	<u>Yes</u>	<u>4</u>	<u>21-5b</u>
29	Transitional Bilingual	K-12 Language Endorsed	Yes	6	14C-8
30	Provisional Elementary	K-9	**Yes	2	21-10
31	Provisional <u>Secondary H.S.</u>	6-12*	**Yes	2	21-10
32	Provisional Foreign Lang.	K-14 Language Named	No	4	
33	Provisional Special	K-12 Field Endorsed	**Yes	2	21-10
34	Provisional Vocational	<u>11-12, K-12</u> Field Endorsed	Yes		21-10
37	Temp. Prov. Vocational	<u>11-12, K-12</u> Field Endorsed	Yes	1	21-10
<u>38</u>	<u>Resident Teacher</u>	<u>K-12</u>	<u>No</u>	<u>4</u>	<u>21-11.3</u>
39	Substitute-90 days	K-12 All	Yes	4	21-9
<u>40</u>	<u>Part-Time Provisional</u>	<u>6-12</u>	<u>Yes</u>	<u>2</u>	<u>21-10</u>
42	Life Elementary	1-8	No	Life	
<u>43</u>	<u>Provisional Alternative</u>	<u>Birth-Grade 3</u>	<u>Yes</u>	<u>1</u>	<u>21-5b;</u>

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	<u>Early Childhood</u>				<u>21-5c</u>
44	<u>Alternative Early Childhood</u>	<u>Birth-Grade 3</u>	<u>No</u>	<u>4</u>	<u>21-5b</u>
44	<u>Initial Alternative Early Childhood</u>	<u>Birth-Grade 3</u>	<u>Yes</u>	<u>4</u>	<u>21-5b</u>
45	Life Kindergarten	K-3	No	Life	
47	Life High School	6-12*	No	Life	
48	Life Special	K-14 Field Endorsed	No	Life	
49	Life Junior College	9-14 Field Endorsed	No	Life	
50	<u>Visiting International Teacher – Special Life School Librarian</u>	K- 12 14 <u>Library</u>	<u>Yes</u> No	<u>3</u> Life	<u>23 Ill. Adm. Code 25.92</u>
51	<u>Life School Librarian</u>	<u>K-14 Library</u>	<u>No</u>	<u>Life</u>	
53	<u>Visiting International Teacher – Elementary</u>	<u>K-6</u>	<u>Yes</u>	<u>3</u>	<u>23 IAC 25.92</u>
54	<u>Visiting International Teacher – Early Childhood</u>	<u>Birth-Grade 3</u>	<u>Yes</u>	<u>3</u>	<u>23 IAC 25.92</u>
59	<u>Visiting International Teacher – Secondary</u>	<u>6-12</u>	<u>Yes</u>	<u>3</u>	<u>23 IAC 25.92</u>
60	Ltd. Supervisory	K-14 All	<u>****</u> No	4	
61	All-Grade Supervisory	K-14 All	<u>****</u> No	4	
62	Ltd. Elem. Supervisory	K-9 All Elementary	<u>****</u> No	4	
63	Ltd. H.S. Supervisory	6-12 All Secondary	<u>****</u> No	4	
70	Life General Supervisory	K-14 All	<u>****</u> No	Life	
71	Life Supervisory	K-14 All	<u>****</u> No	Life	
72	Temporary TMH	K-12 TMH	No	1	
73	School Service Personnel	K-12 Area of Service Endorsed	Yes	4 <u>5 (beginning July 1, 2004)</u>	21-25
74	Provisional School Service Personnel	K-12 Area of Service Endorsed	Yes	2	21-10
75	Administrative	K-12 All	<u>****</u> Yes	4 <u>5</u>	21-7.1
76	Provisional	K-12 All	Yes	2	21-10

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Administrative

<u>77</u>	<u>Administrative K-12</u>	<u>K-12</u>	<u>Yes</u>	<u>5</u>	<u>21-5d</u>
<u>80</u>	<u>Resident Teacher – Special</u>	<u>K-12</u>	<u>Yes</u>	<u>4</u>	<u>21-11.3</u>
<u>83</u>	<u>Resident Teacher – Elementary</u>	<u>K-9</u>	<u>Yes</u>	<u>4</u>	<u>21-11.3</u>
<u>84</u>	<u>Resident Teacher – Early Childhood</u>	<u>Birth-Grade 3</u>	<u>Yes</u>	<u>4</u>	<u>21-11.3</u>
<u>89</u>	<u>Resident Teacher – Secondary</u>	<u>6-12</u>	<u>Yes</u>	<u>4</u>	<u>21-11.3</u>

* ~~The High School Certificate is valid for teaching subjects for which the individual meets recognition requirements, Subpart G, as identified on the individual's transcript as credit in the area.~~

** ~~A Provisional Certificate may be issued to a person who meets the requirements for a regular teaching certificate in another state and who presents certified evidence of having earned a bachelor's degree from a recognized teacher training institution. The academic and professional courses offered as a basis of the Provisional Certificate shall be courses approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. A certificate earned under this plan is valid for a period of two years and shall not be renewed.~~

**** ~~If endorsed for teaching, valid~~ Valid for teaching subjects for which the individual is assignable under Section 1.710, 1.720, 1.737, 1.745, or 1.755 of this Part, or to which the individual is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled) ~~meets recognition requirements, Subpart G, as identified on the individual's transcript as credit in the area.~~

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

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Section 1. APPENDIX C Glossary of Terms (Repealed)

- 1) ~~Administrator—refers to the individual involved in the process of administration; i.e. superintendent, assistant superintendent, principal, assistant principal, etc.~~
- 2) ~~Board of Education—refers to the governing body of any district created or operating under the authority of The School Code.~~
- 3) ~~Community involvement—refers to the opportunity being made available to the people of a local school district who desire an input into the program plan.~~
- 4) ~~District—refers to the governmental agency of the state created by the state as the instrument through which the legislature carries out its constitutional mandate to provide for a system of public education.~~
- 5) ~~Elementary school—refers to a district or attendance center or centers serving grades K-8 or any combination thereof.~~
- 6) ~~Junior high school—refers to a school organized and developed to meet the educational and educationally related needs of the early adolescent child which may include, but is not restricted to, grades 6, 7, 8, and 9 or any combination thereof.~~
- 7) ~~May—to have the power, permission, liberty, to do.~~
- 8) ~~Middle school—refers to a school organized and developed to meet the educational needs and educationally related needs of the preadolescent and early adolescent child, which may include, but is not restricted to, grades 4, 5, 6, 7, and 8 or any combination thereof.~~
- 9) ~~Principal—refers to the individual who shall assume administrative responsibilities and instructional leadership of the attendance area to which that individual is assigned under the superintendent of the district.~~
- 10) ~~School—refers to an institution organized and developed to meet the educational and educationally related needs of children including public, private, and parochial.~~
- 11) ~~Secondary school—school district or attendance center or centers serving grades 9-12 or 10-12.~~

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- 12) ~~Section—refers to a specific part, portion, division, or chapter of The School Code.~~
- 13) ~~Shall—designate as mandatory.~~
- 14) ~~Should—regulation which ought to be, encouraged, permissive.~~
- 15) ~~Superintendent—refers to the individual who shall have charge of the administration of all schools within a school district under the jurisdiction of the board of education.~~
- 16) ~~Teachers and/or instructors—refers to any or all school district employees required to be certified under laws relating to the certification of teachers.~~
- 17) ~~The School Code—The School Code of Illinois: legal basis for authority of the State Board of Education, the State Superintendent of Education, and the local board of education.~~
- 18) ~~Plan—refers to the written program that will identify the local school district's educational needs and provide a plan for developing a clearly defined set of professional expectations and responsibilities.~~
- 19) ~~Preparation—the planning process by which a teacher develops a program for each instructional area to which that individual is assigned students.~~
- 20) ~~Teacher Qualifications—semester hours required to teach a subject or subject area as prescribed in this Part.~~

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

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

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
25.11	Amendment	28 Ill. Reg. 82, January 2, 2004
25.20	Amendment	28 Ill. Reg. 82, January 2, 2004
25.22	New Section	28 Ill. Reg. 82, January 2, 2004
25.30	Amendment	28 Ill. Reg. 82, January 2, 2004
25.32	New Section	28 Ill. Reg. 82, January 2, 2004
25.35	Amendment	28 Ill. Reg. 82, January 2, 2004
25.37	New Section	28 Ill. Reg. 82, January 2, 2004
25.40	Amendment	28 Ill. Reg. 82, January 2, 2004
25.42	New Section	28 Ill. Reg. 82, January 2, 2004
25.80	Amendment	28 Ill. Reg. 82, January 2, 2004
25.82	New Section	28 Ill. Reg. 82, January 2, 2004
25.95	Repeal	28 Ill. Reg. 82, January 2, 2004
25.99	Amendment	28 Ill. Reg. 82, January 2, 2004
25.100	New Section	28 Ill. Reg. 82, January 2, 2004
25.115	Amendment	28 Ill. Reg. 82, January 2, 2004
25.125	Amendment	28 Ill. Reg. 82, January 2, 2004
25.127	Amendment	28 Ill. Reg. 82, January 2, 2004
25.200	New Section	28 Ill. Reg. 82, January 2, 2004
25.210	Amendment	28 Ill. Reg. 82, January 2, 2004
25.215	New Section	28 Ill. Reg. 82, January 2, 2004
25.220	Amendment	28 Ill. Reg. 82, January 2, 2004
25.225	New Section	28 Ill. Reg. 82, January 2, 2004
25.227	New Section	28 Ill. Reg. 82, January 2, 2004
25.230	Amendment	28 Ill. Reg. 82, January 2, 2004
25.235	New Section	28 Ill. Reg. 82, January 2, 2004
25.240	Amendment	28 Ill. Reg. 82, January 2, 2004
25.245	New Section	28 Ill. Reg. 82, January 2, 2004
25.252	New Section	28 Ill. Reg. 82, January 2, 2004
25.300	New Section	28 Ill. Reg. 82, January 2, 2004
25.311	Repeal	28 Ill. Reg. 82, January 2, 2004

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25.333	Amendment	28 Ill. Reg. 82, January 2, 2004
25.335	New Section	28 Ill. Reg. 82, January 2, 2004
25.344	Amendment	28 Ill. Reg. 82, January 2, 2004
25.345	New Section	28 Ill. Reg. 82, January 2, 2004
25.355	Amendment	28 Ill. Reg. 82, January 2, 2004
25.360	New Section	28 Ill. Reg. 82, January 2, 2004
25.365	New Section	28 Ill. Reg. 82, January 2, 2004
25.415	Repeal	28 Ill. Reg. 82, January 2, 2004
25.425	Amendment	28 Ill. Reg. 82, January 2, 2004
25.427	Amendment	28 Ill. Reg. 82, January 2, 2004
25.430	Repeal	28 Ill. Reg. 82, January 2, 2004
25.440	Repeal	28 Ill. Reg. 82, January 2, 2004
25.444	Amendment	28 Ill. Reg. 82, January 2, 2004
25.445	Repeal	28 Ill. Reg. 82, January 2, 2004
25.460	Repeal	28 Ill. Reg. 82, January 2, 2004
25.464	New Section	28 Ill. Reg. 82, January 2, 2004
25.465	Repeal	28 Ill. Reg. 82, January 2, 2004
25.470	Repeal	28 Ill. Reg. 82, January 2, 2004
25.480	Repeal	28 Ill. Reg. 82, January 2, 2004
25.493	Amendment	28 Ill. Reg. 82, January 2, 2004
25.495	Repeal	28 Ill. Reg. 82, January 2, 2004
25.510	Amendment	28 Ill. Reg. 82, January 2, 2004
25.520	Amendment	28 Ill. Reg. 82, January 2, 2004
25.610	Amendment	28 Ill. Reg. 82, January 2, 2004
25.848	Amendment	28 Ill. Reg. 82, January 2, 2004
25.850	Amendment	28 Ill. Reg. 82, January 2, 2004
25.900	Amendment	28 Ill. Reg. 82, January 2, 2004
25.920	Amendment	28 Ill. Reg. 82, January 2, 2004
25.945	Amendment	28 Ill. Reg. 82, January 2, 2004
25.Appendix C	Amendment	28 Ill. Reg. 82, January 2, 2004
25.Appendix D	Repeal	28 Ill. Reg. 82, January 2, 2004
25.Appendix E	New Section	28 Ill. Reg. 82, January 2, 2004

- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) This rule was not included on either of the 2 most recent agendas because:

This issue has only recently come to the attention of agency staff.

The text of the proposed amendments is identical to the text of the emergency amendment that appears on page 2451 of this issue of the *Illinois Register*.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
110.4	Amendment
110.70	Amendment
110.165	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to this Part to incorporate changes for reservation of picnic shelters, including raising the fee to \$25 per day, allowing the collection of edible fungi, nuts and berries and adding damage to natural resources as a reason for closure of trails for use by bicyclists.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62702-1271
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 110

PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
DEPARTMENT OF NATURAL RESOURCES

Section

- 110.4 Fees and Charges
- 110.5 Unlawful Activities (Repealed)
- 110.20 Alcoholic Beverages – Possession, Consumption, Influence
- 110.30 Animals – Pets, Dogs, Cats – Noisy, Vicious, Dangerous Animals – Horses –
Livestock – Animal Waste
- 110.40 Boats and Other Watercraft
- 110.45 Abandoned Watercraft
- 110.50 Capacity of Areas – Usage Limitation
- 110.60 Camping – Campfires
- 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural
Objects-Collection of Artifacts
- 110.90 Group Activity
- 110.95 Demonstrations
- 110.100 Littering
- 110.110 Prohibited Fishing Areas – Cleaning of Fish
- 110.120 Restricted Areas
- 110.140 Soliciting/Advertising/Renting/Selling
- 110.150 Swimming/Wading/Diving
- 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
- 110.165 Bicycles – Operation on Roadway – Designated Trails
- 110.170 Weapons and Firearms – Display and Use
- 110.175 Nudity Prohibited
- 110.180 Violation of Rule
- 110.185 Emergency Modification of Site Rules

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

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SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 110.4 Fees and Charges

The following fees will be charged for use or reservation of designated facilities effective May 11, 1992, except that Illinois residents who are veterans and disabled or a former prisoner of war [20 ILCS 805/63a23] shall be exempt from subsections (a) and (b) of this Section:

- a) All persons entering a designated swim beach area shall pay a \$1 fee. Illinois Beach State Park beaches are not designated swim beach fee areas.
- b) All persons entering a designated special event area shall pay a \$1 fee.
- c) All individuals reserving a picnic shelter at sites participating in the Shelter Reservation Program shall pay \$25 each day a shelter is reserved. Reservations are non-refundable unless the area is closed by the Department.~~\$20 for the reservation.~~ Checks are to be made payable to the Illinois Department of Natural Resources (site name). Reservations are not final until payment is received. Upon vacating the site, shelter users are required to remove all personal belongings and place all trash in the appropriate receptacles located at the site. Those who fail to do so will be charged a disposal fee of \$50. Shelter users who fail to pay the disposal fee will be denied future reservations until the fee is paid in full and shall be submitted to the site office no less than 10 days prior to the requested reservation date.
- d) The rental of cabins at Eldon Hazlet State Park will operate as follows:

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- 1) Check-in will be at 3:00 p.m. Check-out will be at 10:00 a.m.
 - 2) A maximum of six people will be allowed in each unit.
 - 3) A deposit of the first night's fee, based on the applicable daily rate, will be required when reservations are made. The remaining balance of the fee will be collected when the permit is issued on arrival. A responsible adult (21 years of age or older) must register for the party and thereby acknowledge compliance with the rules and regulations of the site for the party.
- e) The fee structure for the cabins at Eldon Hazlet State Park will be as follows:
- 1) Daily Rate – Daily rate may be up to \$60 per day for one to two people. An additional daily fee of \$5 will be added for each person staying in the unit, for a total of up to six people. The Department may require a minimum 3 nights' stay. Children under 13 years of age will stay at no cost.
 - 2) Weekly Rate – Weekly rate may be up to \$330 per week for one to two people. An additional weekly fee of \$30 will be added for each person staying in the unit, for a total of up to six people. The Department may require a minimum 7 nights' stay. Children under 13 years of age will stay at no cost.
- f) Failure to comply with the provisions of this Part is punishable as a Class B misdemeanor [20 ILCS 835/6].

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

Section 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural Objects – Collection of Artifacts

It shall be unlawful:

- a) For any person to injure or remove any animal, plant or part thereof, or attempt to disturb any agricultural crop, except: ~~as otherwise provided by permit, law, regulation, or by Department program activity under the direct supervision of an authorized employee.~~

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- 1) as otherwise provided by permit, law or regulation;
 - 2) as provided by Department-sponsored program or activity under the direct supervision of an authorized employee; and
 - 3) in the collection of edible fungi, nuts and berries on Department owned, leased or managed lands where such collection would not be incompatible with resource management activities or recreational programs at the site, nor be in conflict with the Natural Areas Preservation Act, and where such collection is for personal use only and not for re-sale.
 - A) Collection hours for edible fungi, nuts and berries shall be allowed during the site's regular hours of operation only, except collection is not permitted at any site during the open hours of established hunting seasons at that site.
 - B) Collection contests shall not be allowed on any State site.
- b) For any person to remove, take, mutilate, deface or destroy any natural or man-made property, equipment, improvement, sign or building, except as otherwise provided by permit, law, regulation, or by Department program activity under the direct supervision of an authorized employee.
- c) For any person to collect or take artifacts and/or mutilate, destroy, deface or excavate any archaeological site except as provided by permit according to 17 Ill. Adm. Code 370.
- d) For any person to withdraw or pump water from any Department controlled lake, canal, wetland, river or stream except as authorized by Department permit. The decision to grant or deny a permit will be based upon a balancing between the need of the permittee and the protected water level or flow.

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

Section 110.165 Bicycles – Operation on Roadway – Designated Trails

It shall be unlawful for any person to ride a bicycle except on a roadway designated for vehicular use, parking lot, or posted bicycle trail. An authorized employee of the Department may close the trail for safety reasons or to prevent damage to the trail or natural resources.

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

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- 1) Heading of the Part: The Protection of Archaeological Resources
- 2) Code Citation: 17 Ill. Adm. Code 370
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
370.10	Amendment
370.30	Amendment
- 4) Statutory Authority: Implementing and authorized by the Archaeological and Paleontological Resources Act [20 ILCS 3435] and by Section 2 of the Illinois Historic Preservation Act [20 ILCS 3410/2] and by Sections 1-70 and 5-15 of the Illinois Administrative Procedure Act [5 ILCS 1-70 and 5-15].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update statutory citations and to add language indicating that the joint permit is issued by the Department of Natural Resources and the Illinois Historic Preservation Agency rather than the Illinois State Museum.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

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

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 370
THE PROTECTION OF ARCHAEOLOGICAL RESOURCES

Section

370.10	Purpose
370.20	Definitions
370.30	Prohibitions

AUTHORITY: Implementing and authorized by the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], Section 2 of the Illinois Historic Preservation Act [20 ILCS 3410/2] and Sections 1-70 and 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/1-70 and 5-15].

SOURCE: Adopted and codified at 6 Ill. Reg. 871, effective January 13, 1982; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 28 Ill. Reg. _____, effective _____.

Section 370.10 Purpose

This article provides essential definitions and guidelines to land managers and the public so that protection of Department of Natural Resources managed archaeological resources can be improved through the judicious and rational enforcement of the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435]"~~An Act to protect and preserve and to regulate the taking of aboriginal records and antiquities within the State of Illinois and to provide penalties for the violation of the act~~" (Ill. Rev. Stat. 1979, ch. 127, pars. 133e1 et seq.) and the federal Archaeological Resources Protection Act of 1979 (16 USCU.S.C. 470aa).

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

Section 370.30 Prohibitions

No person shall:

- a) Excavate or remove any archaeological resource located on Department of Natural Resources lands; i.e., lands owned, managed, licensed, or leased by the

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Department except as provided for in a permit issued jointly by the Department of Natural Resources and the Illinois ~~Historic Preservation Agency~~State Museum.

(AGENCY NOTE: Procedures for the issuance of the joint permit are set forth in ~~Title~~ 17 Ill. Adm. Code 390).

- b) Collect or remove from the surface any archaeological resource located on Department of Natural Resources land, except as provided for in a permit issued by the Department of Natural Resources and the Illinois ~~Historic Preservation Agency~~State Museum.
- c) Alter, deface, vandalize, destroy, or otherwise damage any archaeological resource located on Department of Natural Resources lands; i.e., property owned, leased, or licensed by the Department of Natural Resources.

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

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- 1) Heading of the Part: Non-Departmental Archaeological Research on Department of Natural Resources Managed Lands
- 2) Code Citation: 17 Ill. Adm. Code 390
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
390.20	Amendment
390.30	Amendment
390.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1, 3, 4, and 6 of the Historic Preservation Act [20 ILCS 3410/1, 3, 4, and 6]; Sections 1-70 and 5-15(a)(2) of the Illinois Administrative Procedure Act [5 ILCS 100/1-70 and 5-15]; and the Archaeological and Paleontological Resources Act [20 ILCS 3435].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update information on issuance of permits to undertake archaeological investigations on Department lands and to remove provisions requiring the proposal be submitted to the Illinois State Museum.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

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

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

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

PART 390
 NON-DEPARTMENTAL ARCHAEOLOGICAL RESEARCH ON
 DEPARTMENT OF NATURAL RESOURCES MANAGED LANDS

Section	
390.10	Purpose
390.20	Application
390.30	Review Criteria
390.40	Conditional Permit Issuance
390.50	Suspension or Revocation of Permits
390.60	Hearings and Appeals

AUTHORITY: Implementing and authorized by Sections 1, 3, 4, and 6 of the Illinois Historic Preservation Act [20 ILCS 3410/1, 3, 4, and 6], Sections 1-70 and 5-15(a)(2) of the Illinois Administrative Procedure Act [5 ILCS 100/1-70 and 15(a)(2)], and the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435].

SOURCE: Adopted at 5 Ill. Reg. 7654, effective July 15, 1981; codified at 5 Ill. Reg. 10632; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 28 Ill. Reg. _____, effective _____.

Section 390.20 Application

In order to obtain permission from the Department of Natural Resources to undertake archaeological investigations on Department managed lands the proposer of the research must apply to the Division of [Resource Review and Coordination, Cultural Resource Coordinator](#)~~Historic Sites, Archaeology Section~~ at least ~~six (6)~~ months before the starting date of the proposed project. The proposer must submit a detailed research proposal:

- a) This proposal must detail the significant archaeological/scientific research questions that the research will investigate, why such investigations can only be undertaken at the Department of Natural Resources managed site in question or why that site is the optimum choice for those investigations. The proposal must be sufficiently detailed to allow the [Cultural Resource Coordinator](#)~~Archaeology Section staff~~ to arrive at an objective evaluation of the research design, field methodology, and techniques. The proposal must include detailed resumes of key

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project personnel (e.g., principal investigator, field director, and staff directing any specialized analyses proposed). ~~b) The proposer must submit a copy of the research proposal to the Illinois State Museum Anthropology Department for review and comment at the same time as it is submitted to the Department of Natural Resources. (The Illinois State Museum's comments will be provided to the Department of Natural Resources under the terms of an inter-agency memorandum of understanding. Copies of the memorandum of understanding are on file with the State Museum and the Department of Natural Resources.)~~

- ~~b)e)~~ An acknowledgement in writing that all materials recovered and documentary evidence generated by the research project remain the property of the State of Illinois.
- ~~c)d)~~ The proposal must indicate what plans the proposer has for publication of results and for the final disposition of the materials. All materials (artifacts, floral and faunal remains, C-14 samples, notes, maps, photographs, profiles, etc.) must be permanently curated ~~either at the Illinois State Museum or at another suitable curatorial facility acceptable to the Director of the Department of Natural Resources (in consultation with the Director of the Illinois State Museum).~~

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

Section 390.30 Review Criteria

The research proposal will be reviewed by the ~~Cultural Resource Coordinator who~~ Archaeology Section and recommendations made to the Director of the Department of Natural Resources within 60 days of the receipt of the proposal. ~~The Archaeology Section~~ shall not recommend the approval of an archaeological investigation if:

- a) The Department of Natural Resources field management personnel (affected Site Superintendent, Regional Land Manager or Regional Historian) indicate that the proposed project will interfere with general site management, or is in conflict with established objectives for the site;~~;~~ or
- b) The research is not deemed to be scientifically significant;~~;~~ or
- c) Funding level is not sufficient to complete the proposed investigation;~~;~~ or
- d) The research proposal is inadequate, or if any part of the proposal is found to be deficient;~~;~~ or ~~e) The Illinois State Museum's comments are negative or indicate~~

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~~that they will not concur in the issuance of the excavation permit, or~~

- ~~e)f)~~ There is any question as to the ownership of the resulting materials;~~;~~ or
- ~~f)g)~~ The key project personnel are not adequately trained or lack sufficient experience to successfully complete the proposed project;~~;~~ or
- ~~g)h)~~ The facilities and institutional support for the proposer are inadequate to successfully complete the project.

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

Section 390.40 Conditional Permit Issuance

- a) All permits for archaeological investigations issued by the Department of Natural Resources are conditional on the applicant demonstrating to the Cultural Resource Coordinator ~~Director of the Department of Natural Resources~~, at least ~~thirty (30)~~ days before initiation of fieldwork, that the project is fully and adequately funded.
- b) The applicant must detail in writing the amount and source of all funding.

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

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
650.10	Amendment
650.20	Amendment
650.40	Amendment
650.50	Amendment
650.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to update statewide regulations and to open and amend State-owned or –managed sites to firearm deer hunting.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

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

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

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

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

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995;

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amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 650.10 Statewide Season and Permit Quotas

- a) Season: 12:01 a.m. on Friday of the 3-day (Friday, Saturday and Sunday) weekend immediately before Thanksgiving to 6:00 p.m. on Sunday of the 3-day weekend before Thanksgiving, and 12:01 a.m. on Thursday of the first 4-day (Thursday, Friday, Saturday and Sunday) weekend following Thanksgiving to 6:00 p.m. on Sunday of the first 4-day weekend following Thanksgiving. Full season permits shall be for all days. Second season permits shall be valid for the last four days of the season only. Hunting hours are one-half hour before sunrise to sunset.
- b) Permit quotas shall be set by the Department of Natural Resources (Department) on a county or special hunt area basis. Cook, DuPage and Lake Counties, and that portion of Kane County east of State Route 47, are closed to firearm deer hunting.~~Cook, DuPage, Lake and Kane counties are closed to firearm deer hunting.~~
- c) Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 and maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting during the closed season or between sunset and ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 650.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15). Deer permit fees for non-resident firearm deer hunters shall be \$200 for each

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either-sex firearm permit and \$25 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing Period which begins in September, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office
P.O. Box 19227
Springfield, Illinois 62794-9227

- b) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants for free landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits.
- c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (b).
- d) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.
- e) Applicants must check the antlerless-only box and enclose an additional \$15 (\$25 for non-residents) to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or

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special hunt area.

- f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm ~~or muzzleloader~~ permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15 for residents and \$25 for nonresidents. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- g) No more than 6 single applications per envelope will be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- h) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November, during which anyone (regardless of any other permit they may have, subject to subsection (a)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season either-sex permits in the county applied for. Second-season antlerless-only permits shall be issued to successful applicants that have either full-season or second-season either-sex permits in the county applied for. Applicants submitting applications within the 20 working days prior to the start of the first season cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September Drawing – Multiple Permits" on the

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outside of the envelope and mark the "September Drawing – Multiple Permits" box on the firearm deer permit application.

- i) Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices; or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:
 - 1) The applicant must apply using the official Department application.
 - 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
 - 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- j) Applications may be accepted at the counter window of the permit office; however, permits will be mailed. In-person and mail-in applications will receive equal treatment in the drawings.
- k) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- l) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

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- m) The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.
- n) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 650.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized ~~either-sex~~eligible, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader, and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Firearm Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon check out at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then

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must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. The deer shall be taken whole (or field dressed) to the designated check station (either the county check station or the nearest check station to the site of the kill) by the hunter in person by 8:00 p.m. of the day the deer was killed. The deer may not be quartered as during the archery deer season (17 Ill. Adm. Code 670.55). If a hunter is not able to locate a harvested deer in sufficient time to enable checking the deer by 8:00 p.m., the hunter must take the deer to the appropriate check station upon its opening (8:00 a.m.) the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. Failure to follow this Section constitutes illegal possession of deer. Site specific reporting requirements must be followed in addition to this Section. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

- d) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.
- f) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

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

Section 650.50 Rejection of Application/Revocation of Permits

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- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether or not the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Natural Resources. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.
- 1) Using hunting rights lease or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a firearm deer permit. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).
 - 2) Submitting more applications in the same name or by the same person for Firearm Deer Permits than the number of legally authorized permits. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
 - 3) Applying prior to the Second Lottery Drawing for a firearm deer permit if the applicant has already been issued ~~a muzzleloading rifle deer permit~~, a free landowner/tenant permit, or a paid landowner permit. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
 - 4) Providing false and/or deceptive information on the deer permit application form. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).
 - 5) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).
- b) Any violation of the Wildlife Code [520 ILCS 5] or administrative rules of the Department (17 Ill. Adm. Code, Chapter I), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

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

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

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- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Statewide regulations shall apply at the following sites:
 - Cache River State Natural Area (1) (2)
 - Campbell Pond (1) (2)
 - Carlyle Lake Lands and Waters (Corps of Engineers managed lands)
 - Carlyle Lake Wildlife Management Area (except subimpoundment area)
 - Chauncey Marsh (1) (2)
 - Crawford County Conservation Area (1) (2)

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Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1)(2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

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

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

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

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

Kaskaskia River Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) during each day of the second firearm deer season, hunting within the Doza Creek Waterfowl Management Area is open from 1:00 p.m. until sunset and firearm deer hunters may not enter the area until 11:00 a.m.; antlerless deer only (~~Doza Creek Waterfowl Management Area closed during duck season~~)

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

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

Mermet Lake Conservation Area (1) (2)

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

Mississippi River Pool 16 (1)

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Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

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

Rend Lake Project Lands and Waters (1)

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

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sielbeck Forest Natural Area (1) (2)

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

Trail of Tears State Forest (1) (2)

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

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

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

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

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will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

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

Argyle Lake State Park (2) (5)

Beall Woods State Park (Friday, Saturday and Sunday before the first statewide firearm deer season and Friday, Saturday and Sunday following the muzzleloading deer season; antlerless deer only) (1) (2) (5)

Big River State Forest (2) (5)

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

Coffeen Lake State Fish and Wildlife Area

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

Devil's Island Wildlife Management Area

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

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

Fox Ridge State Park (1)

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

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

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

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

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

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

Hidden Springs State Forest (1)

Horseshoe Lake Conservation Area – Alexander County (Refuge, first 2 Saturdays in November; separate permits required for each day~~last two Saturdays in October~~; antlerless only) (5)

Hurricane Creek Habitat Area

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

Iroquois County Conservation Area (no hunting in the controlled pheasant hunting area; second season only) (2) (5)

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

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

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area north of Dry Lake access road only; first or second season only; antlerless deer only; hunting from elevated stands only; six feet minimum above ground; hunting must occur within 10 yards of an assigned, numbered stake; an inhouse drawing will be held on the last Friday of October for such assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2)

Kickapoo State Recreation Area (2)

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

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

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

Marseilles Fish and Wildlife Area (first season only) (all tree stands must be

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removed no later than the last day of the archery deer season) (1) (2) (5)

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

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2)

Miller-Anderson Woods Nature Preserve (first or second season only; antlerless deer only) (2) (5)

Mississippi Palisades State Park (first season only)

Mitchell's Grove Nature Preserve (Monday, Tuesday, Wednesday and Thursday before the first statewide firearm deer season only; antlerless deer only) (2) (5)

Mitchell's Grove Nature Preserve (Monday, Tuesday and Wednesday before the second statewide firearm deer season only; antlerless deer only) (2) (5)

Momence Wetlands

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

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

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

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

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

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

Sahara Woods (1) (2)

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Sand Ridge State Forest ~~(H)~~ (2)

Sangamon County Conservation Area (1)

Siloam Springs State Park (2) (3)

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

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

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

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

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

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

Weldon Springs State Park (Piatt County Unit; first season only)

Weinberg-King State Park – Scripps Unit (2)

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

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

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

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

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- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
660.10	Amendment
660.20	Amendment
660.30	Amendment
660.40	Amendment
660.50	Amendment
660.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to update statewide season regulations, statewide muzzleloading rifle requirements, statewide deer hunting rules, application requirements and the list of department-owned or –managed sites.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

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217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 660
WHITE-TAILED DEER HUNTING BY USE
OF MUZZLELOADING RIFLES

Section

660.10	Statewide Season and Permit Quotas
660.20	Statewide Deer Permit Requirements
660.21	Deer Permit Requirements – Free Landowner/Tenant Permits
660.22	Deer Permit Requirements – Special Hunts
660.25	Deer Permit Requirements – Group Hunt
660.30	Statewide Muzzleloading Rifle Requirements
660.40	Statewide Deer Hunting Rules
660.45	Reporting Harvest
660.50	Rejection of Application/Revocation of Permits
660.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. 6367, effective April 27, 2001; amended at 26 Ill. Reg. 9340, effective June 17, 2002; amended at 27 Ill. Reg. 10018, effective June 23, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 660.10 Statewide Season and Permit Quotas

- a) Season: One-half hour before sunrise on Friday of the third 3-day (Friday, Saturday, Sunday) weekend following Thanksgiving to sunset on Sunday of this

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3-day weekend in December. The hunter with a Muzzleloading Rifle Deer Permit may also hunt during the second firearm deer season (the first 4-day weekend – Thursday, Friday, Saturday and Sunday – following Thanksgiving), providing the hunter must use only a legal muzzleloading rifle and must abide by 17 Ill. Adm. Code 650.60 when hunting on Department-owned or -managed sites. Hunting hours are one-half hour before sunrise to sunset.

- b) Permit quotas shall be set by the Department of Natural Resources (Department) on a county or special hunt area basis. Cook, DuPage ~~and~~; Lake ~~and Kane~~ counties, and that portion of Kane County east of State Route 47, are closed to muzzleloading rifle deer hunting.
- c) Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 and maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting during the closed season or between sunset and ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.4).

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

Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15). Muzzleloading rifle deer permit fees for non-residents shall be \$200 for each either-sex muzzleloading permit and \$25 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing Period which begins in September, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Muzzleloading Rifle)
Deer Permit Office
P.O. Box 19227
Springfield, IL 62794-9227

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- b) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.
- d) Applicants must check the antlerless-only box and enclose an additional \$15 to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- e) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued ~~firearm or~~ muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15 for residents and \$25 for nonresidents. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- f) No more than 6 single applications per envelope shall be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- g) There will be an application period which starts the first working day after

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September 14 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits in the county applied for. Applicants must print "September Drawing – Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September Drawing – Multiple Permits" box on the muzzleloading rifle deer permit application.

- h) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices. The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:
- 1) The applicant must apply using the official agency preprinted data-mailer application.
 - 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
 - 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
 - 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.
- i) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed. In-person and mail-in applications will receive

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equal treatment in the drawings.

- j) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- k) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- l) The period for accepting applications for the First and Second Lottery periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.
- m) Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

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

Section 660.30 Statewide Muzzleloading Rifle Requirements

- a) The only legal hunting device is a single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length. ~~(Except that the otherwise lawful possession of rifles to take furbearing mammals and game mammals other than deer shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.)~~
- b) The standards and specifications for muzzleloading firearms and ammunition are as follows:
 - 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
 - 2) The minimum size of the muzzleloading firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal

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ammunition.

- 3) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do not qualify as a "black powder substitute".
- 4) Only percussion caps, wheellock, matchlock or flint type ignition may be used.
- 5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel unwound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the muzzleloading rifle deer season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than muzzleloading deer hunters shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.

d)e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 660.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader, and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only

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permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

- b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon check out at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained. It is permissible to quarter the deer carcass prior to checking it in, so long as all parts of the carcass (except the entrails removed during field dressing) are transported together and the carcass is tagged in the appropriate location, except during the second firearm deer season (Section 660.10). However, it is illegal to possess or transport a deer carcass, prior to checking it in, without evidence of sex naturally attached. If the carcass is quartered, evidence of sex only needs to be attached to one quarter or another major part of the carcass. Evidence of sex is:
 - 1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.
 - 2) For a doe: head attached to carcass, or attached udder (mammary) or vulva.
- d) During the second firearm deer season, the deer shall be taken whole (or field dressed) to the designated check station (either the county check station or the

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nearest check station to the site of the kill) by the hunter in person by 8:00 p.m. of the day the deer was killed. The deer may not be quartered as during the archery deer season (17 Ill. Adm. Code 670.55).

- e) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).
- f) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.
- g) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.4); unlawful take or possession of 2 or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 660.50 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Natural Resources. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.
 - 1) Using hunting rights lease, or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a landowner or tenant firearm deer permit. Violation is a Class A misdemeanor (see 520

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ILCS 5/2.38).

- 2) Submitting more applications in the same name or by the same person for Muzzleloading Rifle Deer Permits than the number of legally authorized permits. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).~~3) Applying prior to the Second Lottery Drawing for a muzzleloading rifle deer permit if the applicant has already been issued a regular firearm deer permit, a free landowner/tenant permit, or a paid landowner permit. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).~~
 - ~~3)4)~~ Providing false and/or deceptive information on the deer permit application form. Violation is a Class A misdemeanor (see 520 ILCS 5/2.24).
 - ~~4)5)~~ Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code. Violation is a Class A misdemeanor (see 520 ILCS 5/2.36).
- b) Any violation of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

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

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move

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within firearm range of one or more participating hunters.

- d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Chauncey Marsh (1) (2)

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

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devils Island Management Area

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

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Fort de Chartres Historic Site (1) (2)

Giant City State Park (1) (2)

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

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

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

Jim Edgar Panther Creek State Fish and Wildlife Area West Open Unit (closed during second firearm season; [site issued permit required, must be returned by February 15](#)) (1) ~~(2)~~(4)

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

Kickapoo State Park (closed during second firearm deer season) (1) (2)

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

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

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

Oakford Conservation Area (1)

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

Pyramid State Park (1) (2)

Ray Norbut Fish and Wildlife Area (2)

Rend Lake Project Lands and Waters (1)

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

Sand Ridge State Forest (site issued permit required; must be returned by February 15)(1)(2)

Sanganois Fish and Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sielbeck Forest Natural Area (1) (2)

Starved Rock State Park (antlerless deer only) (2)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

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

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

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

Wildcat Hollow State Forest (1)

- i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m.

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Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Castle Rock State Park (closed during second firearm season; antlerless deer only) (2) (6)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (1)

Falling Down Prairie (closed during the second firearm deer season) (2)

Hanover Bluff-Kopper Tract (closed during the second firearm deer season) (2)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

Marseilles Fish and Wildlife Area (closed during second firearm deer season) (all tree stands must be removed from this area no later than sunset of the last day of archery deer season) (1) (2) (6)

Midewin National Tallgrass Prairie (closed during the second firearm deer season) (5)

Pyramid State Park – East Conant Unit (1)(4)

Sahara Woods (1) (2)

Sangchris Lake State Park (open to muzzleloading rifle hunting during the second firearm deer season only; antlerless deer only; hunting will begin the first day at legal shooting time and at 10:30 a.m. on all other days of the season) (1) (2)

Sangamon County Conservation Area (closed during second firearm deer season) (1)

Tapley Woods State Natural Area (closed during the second firearm deer season)

Wards Grove Nature Preserve (closed during the second firearm deer season; antlerless deer only) (2) (6)

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

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

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- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
670.10	Amendment
670.20	Amendment
670.40	Amendment
670.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update statewide open seasons and counties, statewide deer permit requirements, statewide deer hunting rules, and regulations at department-owned or –managed sites.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10	Statewide Open Seasons and Counties
670.20	Statewide Deer Permit Requirements
670.21	Deer Permit Requirements – Landowner/Tenant Permits
670.30	Statewide Legal Bow and Arrow
670.40	Statewide Deer Hunting Rules
670.50	Rejection of Application/Revocation of Permits
670.55	Reporting Harvest
670.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg. 7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001;

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amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 670.10 Statewide Open Seasons and Counties

- a) All regulations set forth in Section 2.26 of the Wildlife Code apply in this Partrule.
- b) For Cook, DuPage, ~~Kane~~ and Lake counties, and that portion of Kane County east of State Route 47 – October 1 through the first Thursday after January 10.
- c) For all other counties, or parts of counties – October 1 through the first Thursday after January 10, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Natural Resources (Department or DNR) owned or managed sites designated in Section 670.60 by an asterisk (*) shall be open to archery deer hunting without regard to firearm deer season (no firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).
- d) Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 and maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting during the closed season or between sunset and ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 670.20 Statewide Deer Permit Requirements

- a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner, are available over the counter (OTC) from license vendors as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for resident archery combination permits shall be \$25; nonresident archery combination permits shall be \$225. A single either-sex resident archery deer permit will be available until the first workday in September of each year by mail only from the Permit Office. The fee for a resident archery single permit shall be

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~~\$15; a nonresident archery single permit shall be \$200. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. For the single either-sex or landowner/tenant permit applications and other information, write to: Department of Natural Resources Archery Deer Permit Office P.O. Box 19227 Springfield, Illinois 62794-9227~~

- b) Resident archery deer permits are available over-the-counter (OTC) from license vendors throughout the State as combination permits, each consisting of one either-sex permit and one antlerless-only permit. In addition, a resident single either-sex archery deer permit will be available until September 1 of each year by mail only from the Permit Office. The fee for a resident archery combination permit shall be \$25; a resident archery single either-sex permit shall be \$15. No more than one single either-sex permit may be purchased per individual per season. While there is no limit to the number of combination archery deer permits that an individual resident may purchase, no one may harvest more deer than allowed by the restrictions prescribed in Section 670.40. To obtain the single either-sex permit or a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his individual application. The resident combination archery deer permits are available from license vendors located throughout the State. The non-resident combination archery deer permits are available from license vendors at DNR offices in Chicago, Springfield, Sterling, Spring Grove, Champaign, Alton and Benton, as well as by telephone at 1-888-673-7648 until all are sold. The number of non-resident archery deer permits shall be limited to 12,843, and based upon such factors as public recreation, biological balance, numbers, health, deer herd recruitment and historical data. Successful non-resident applicants are limited to one archery combination permit or single either-sex permit per season. Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- c) A limited number of nonresident archery deer permits is available as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for a nonresident archery combination permit shall be \$225. The nonresident combination archery deer permit may only be purchased via telephone using DNR's toll-free telephone vendor system (1-888-673-7648)

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~~beginning the second Saturday in July. The number of nonresident combination archery deer permits shall be limited to 15,000 and based upon such factors as public recreation, biological balance, numbers, health, deer herd recruitment, and historical data. Nonresident combination archery deer permits will be sold on a first-come, first-served basis until the quota is reached. Successful nonresident applicants may obtain no more than one archery combination permit per season. Beginning dates for acceptance of applications for the single either sex permit will be announced publicly. Archery applications received after the first workday in September will be rejected and the fees returned. Non-resident permits shall be available beginning the second Saturday in July.~~

- d) ~~An unlimited number of nonresident single antlerless-only archery deer permits are available over-the-counter (OTC) from participating license vendors to nonresidents who have been issued an archery combination permit. To obtain the nonresident single antlerless-only archery permit, the hunter, in person, must show the stub from his or her archery combination permit and pay a fee of \$25 to the license vendor.~~
- e) ~~Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.~~
- f) ~~Applications for the resident single either-sex permit or landowner/tenant permits may be obtained by writing to:~~

~~Department of Natural Resources
Archery Deer Permit Office
P.O. Box 19227
Springfield IL 62794-9227~~

~~To obtain the resident single either-sex permit or a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his/her individual application.~~

- g) ~~Applications for resident archery single either-sex permits will be accepted from the date on which they become available until September 1. Applications received after September 1 will be rejected and the fees returned.~~

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- ~~h)d)~~ Permits are not transferable. Refunds will not be granted.
- ~~i)e)~~ A \$3 service fee will be charged for replacement permits issued by DNR, except that there will be no charge for permits lost in the mail. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund. ~~f) There is no limit to the number of combination archery deer permits that an individual resident may purchase, but each individual is limited to one of the single either-sex permits per season. The number of deer that can be taken during any year is regulated by Section 670.40.~~
- ~~j)g)~~ Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

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

Section 670.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader and firearm seasons. For purposes of this subsection, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers; and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) The Illinois Restricted Archery Zone shall consist of Champaign, DeWitt, Macon, Moultrie, and Piatt counties. ~~No more than 2 deer may be harvested per hunter during the archery season in the Restricted Archery Zone.~~ During the period October 1-October 31, only antlered deer may be harvested in the Restricted Archery Zone, regardless of permits in possession. An antlered deer is defined as

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a deer having at least one antler of a length of 3 or more inches. All restrictions listed in subsection (a) also apply in the Restricted Archery Zone.

- c) Recipients of any type of Archery Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting. In addition, holders of combination permits (consisting of both either-sex and antlerless-only tags on a single form) shall record their name and complete address on the check station tag portions of their permit prior to hunting.
- d) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon check out at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- e) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).
- f) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in DNR's Chronic Wasting Disease Surveillance Program, a free permit will be made available (during either the current year or the subsequent year, at the discretion of the hunter) if their tested deer is determined to have chronic wasting disease.
- g) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.24); unlawful take or possession of two or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more

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deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36a); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- ~~b)~~ It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.
- ~~c)~~~~b)~~ Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- ~~d)~~~~e)~~ Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- ~~e)~~~~d)~~ Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- ~~f)~~~~e)~~ Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- ~~g)~~~~f)~~ Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- ~~h)~~~~g)~~ Statewide regulations shall apply at the following sites:
 - * Anderson Lake Fish and Wildlife Area (2)

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Apple River Canyon State Park (2)

Argyle Lake State Park (2)

* Banner Marsh Fish and Wildlife Area (2)

* Beall Woods State Park (closed during the special site firearm deer seasons; antlerless deer only) (1) (2)

* Big Bend State Fish and Wildlife Area (1) (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season)

Castle Rock State Park (1) (2)

Crawford County Conservation Area (1) (2)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devils Island Wildlife Management Area

Dixon Springs State Park (1) (2)

Dog Island Wildlife Management Area (1) (2)

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- * Eldon Hazlet State Park (Hunting is only permitted north of Allen Branch, north of Hazlet Park Road between the park boundary and its intersection with Allen Branch Road, north of Allen Branch Road between its intersection with Hazlet Park Road and Allen Branch Boat Access Area, and west of Peppenhorst Branch. Hunting is not permitted in the controlled pheasant area during the site's controlled pheasant season (except on days when controlled pheasant hunting is closed) and the five consecutive days following the site's controlled pheasant season, or in the North Allen Branch Waterfowl Management Unit after the opening of the statewide waterfowl season. Additionally, a limited hunting opportunity exists for persons with disabilities west of the main park road going towards the Illini Campground. Disabled hunters as defined in 520 ILCS 5/3.1(c) may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from pre-determined locations. Disabled hunters may hunt during the statewide archery season as described in Section 670.10, except on days when the site's controlled pheasant hunting is open and the 5 consecutive days following the site's controlled pheasant season.) (2)

Falling Down Prairie (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

Fort Massac State Park (1) (2)

Franklin Creek State Natural Area (antlerless only, except in Zone A from November 1 through the end of the archery season, deer bow hunters may take an antlered deer in designated areas and during specified times) (2)

Giant City State Park (1) (2)

Goose Lake Prairie State Park (tree stands not allowed; "Texas" type tripod stands allowed; antlerless deer only) (2) (3)

Green River State Wildlife Area (1) (2)

Hanover Bluff-Kopper Tract (2)

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Heidecke State Fish and Wildlife Area (2) (3) (5)

Horseshoe Lake Conservation Area – Alexander County (Controlled Goose Hunting Area – open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

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

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

* Jubilee College State Park (2) ~~(4)~~ |

Kaskaskia River Fish and Wildlife Area (1) (2) (except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

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

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.) (2)

Lowden-Miller State Forest (1) (2) ~~(4)~~ |

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

Marseilles Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only) (all tree stands must be removed from this area no later than the last day of the season) (1) (2)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

Miller-Anderson Woods Nature Preserve (antlerless deer only; season ends the day before the second firearm deer season begins) (2) |

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

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove Nature Preserve (antlerless deer only; closed during the special site firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons) (2)

Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only)

Oakford Conservation Area

* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1) (2)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (2)

Pyramid State Park (1) (2)

* Randolph County Conservation Area (1) (2)

Ray Norbut Fish and Wildlife Area (2)

* Red Hills State Park (1) (2)

Rend Lake Project Lands and Waters (1)

Rend Lake Project Lands and Waters (refuge only (south of site headquarters) from October 1 through October 31~~designated area on refuge only, designated dates between October 1–October 31~~) (1) (2)

* Rice Lake Fish and Wildlife Area (2)

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- * Rock Cut State Park (only during the special firearm deer hunt on the site; hunting from DNR established blind sites only; hunting limited to holders of Class P2A disability cards and escorts) (2) (3)

Saline County Fish and Wildlife Area (1) (2)
- * Sam Parr State Park (1) (2)

Sandy Ford Land and Water Reserve (2)
- Sangamon County Conservation Area

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)
- * Sangchris Lake State Park (the site will be closed to bow and arrow hunting during the second firearm deer season) (1)(2)
- * Shabbona Lake State Park (2)

Siloam Springs State Park (Fall Creek Unit)

Sielbeck Forest Natural Area (1) (2)
- * Silver Springs State Park (2)

Snakeden Hollow Fish and Wildlife Area – Ives Unit (1) (2)
- * Starved Rock/Matthiessen State Park (antlerless deer only; closed during the special site firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; archery deer hunting is closed in the Starved Rock Nature Preserve during the muzzleloader deer hunt; hunting in designated areas only) (2)
- Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

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

Union County Conservation Area (Controlled Goose Hunting Area – ~~closed 7 days prior to the quota zone goose season through the close of the quota zone season open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing~~) (1) (2)

Walnut Point Fish and Wildlife Area (1)

~~Wards Grove Nature Preserve (closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only) (2)~~

- * Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens October 15) (2)

- ~~i)h)~~ Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park

Horseshoe Lake State Park (Madison County) (hunting ~~at peninsula in designated areas~~ only; hunting will close at end of regular duck season) (1)

Hurricane Creek Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

Momence Wetland

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Pere Marquette State Park (hunting ~~allowed in group camping areas only~~ ~~in designated camp areas only~~; season begins the first weekday after camps close)

Sahara Woods (1) (2)

~~ii)~~ State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (1)

Coffeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)

Des Plaines Game Propagation Center (2)

* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions) (4)

Fox Ridge State Park (1)

Hamilton County Conservation Area (1)

Harry "Babe" Woodyard State Natural Area ~~(+)~~ (4)

Hidden Springs State Forest (1)

* Horseshoe Lake State Park (Madison County – Gaberet, Mosenthein and Chouteau Island Units)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange)

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between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the first Friday in November to the day before the first firearm deer season, except two blinds will be available until the close of the archery deer season)

Kickapoo State Park (+)

Kishwaukee River State Fish and Wildlife Area ~~Matthiessen Dells State Park (antlerless deer only; closed during the special site firearm deer seasons and open during the statewide firearm deer seasons)~~ (2)

Mautino State Fish and Wildlife Area (1)

Mazonia/Braidwood State Fish and Wildlife Area (4)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (+)

* Mississippi Palisades State Park (November 1 through December 31;) ~~(closed during the first firearm deer season)~~ (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

* Pekin Lake Fish and Wildlife Area (1)

Pyramid State Park – Captain Unit (1) (4)

Pyramid State Park – Denmark Unit (1) (4)

Pyramid State Park – East Conant Unit (1) (4)

Pyramid State Park – Galum Unit (1) (4)

Ramsey Lake State Park (1)

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- * Sam Dale Lake Conservation Area (1)

Sand Ridge State Forest ~~(1) Sandy Ford (permits available at Starved Rock State Park Office) (2)~~
 - Shelbyville Wildlife Management Area (1)

Siloam Springs State Park – Buckhorn Unit (resident hunters only) (2) (4)
~~Siloam Springs State Park – Scripps Unit (resident hunters only) (2) (4)~~
 - Snakeden Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)
 - * Spring Lake Fish and Wildlife Area (1) ~~*—Starved Rock/Matthiessen State Park (antlerless deer only; closed during the special firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm and muzzleloader deer seasons; hunting in designated areas only) (2)~~
 - * Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Volo Bog State Natural Area (hunting only from November 1 through December 31; Monday through Wednesday only; except State holidays) (2)

Weinberg-King State Park – Scripps Unit (resident hunters only) (2)
- k)† Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.
- Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season) (2) (3)

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Iroquois County Conservation Area (2)

Johnson Sauk Trail State Recreation Area (1) (2)

Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site; bowhunting by site issued permit; application procedure to be announced) (1) (2)

~~l)k)~~ Statewide regulations shall apply at the following sites except that:

- 1) Nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.
- 2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

~~*Sanghechris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested) (1) (2) (5)~~

~~Siloam Springs State Park (2) (4)~~

~~m)l)~~ Statewide regulations shall apply at this site except that:

Hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced. Successful applicants will be issued a permit for the time period specified. This permit must be in possession while hunting and returned by February 15 to the site office. Failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year. Restricted Archery Zone regulations apply.

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Weldon Springs State Park – Piatt County Unit

n)m) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20). |

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

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- 1) Heading of the Part: Dog Training on Non-Department Owned or –Managed Lands
- 2) Code Citation: 17 Ill. Adm. Code 960
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
960.20	Amendment
960.30	Amendment
960.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being made to update the Authority Note, Statutory Citations and the Department's address.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

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

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 960

DOG TRAINING ON NON-DEPARTMENT OWNED OR -MANAGED LANDS

Section

960.10	Definitions
960.20	Designated Dog Training Area Permits
960.30	Designated Dog Training Areas
960.40	Training of Coon Hounds
960.50	Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

SOURCE: Adopted at 13 Ill. Reg. 14921, effective September 6, 1989; amended at 16 Ill. Reg. 11038, effective June 30, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 28 Ill. Reg. _____, effective _____.

Section 960.20 Designated Dog Training Area Permits

- a) Designated Dog Training Area Permits are available from the Department upon completion of an application for the permit. Permit applications are available on the Department's website at <http://dnr.state.il.us> or by writing to:

Illinois Department of Natural Resources
~~Office of Land Management and Education~~Division of Wildlife Resources
~~One Natural Resources Way~~524 S. Second Street Lincoln Tower Plaza
Springfield, IL ~~62702-1271~~62706

- b) Applicants for Designated Dog Training Area Permits must possess a Game Bird Breeders Permit or a Game Breeding and Hunting Preserve Area License~~Permit~~.
- c) Designated Dog Training Area Permits are valid from April 1 to March 31.
- d) Not more than 50 acres may be included in a Designated Dog Training Area

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Permit.

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

Section 960.30 Designated Dog Training Areas

- a) Permit holders must conspicuously post the perimeter of Designated Dog Training Areas with signs obtainable from the Department.
- b) Permit holders must properly band all hand reared game birds shot on a Designated Dog Training Area before they are removed from the training area. If the permit holder resides on the training area, the hand reared game birds must be properly banded the same day they are taken. Only bands obtained from the Department may be used. Bands can be obtained for ten cents each by writing to:

Illinois Department of Natural Resources
~~Division of Systems and Licensing~~ Licenses Section
P.O. Box 19458 ~~Lincoln Tower Plaza~~
Springfield, IL 62794-9458

- c) Permit holders may utilize live hand reared game bird recall devices on Designated Dog Training Areas.
- d) The individuals named on the permit are authorized to shoot hand reared game birds and/or domestic pigeons all year within the Designated Dog Training Area.

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

Section 960.50 Penalties, Future Rights/Appeal Procedures

- a) For violation of Section 2.34 of the Wildlife Code ~~[520 ILCS 5/2.34](Ill. Rev. Stat. 1987, ch. 61, par. 2.34)~~ or this Part, the Department will revoke an individual's Designated Dog Training Area Permit, in addition to any penalties assessed by the courts. Violation of this Part is a petty offense [520 ILCS 5/3.5(c)].
- b) Individuals whose Designated Dog Training Permits have been revoked may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

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

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Proposed Action:
 148.30 Amendment
 148.210 Amendment
- 4) Statutory Authority: Section 12–13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments relating to hospital cost reports provide several clarifications and updates concerning current practices and Medicare provisions.

Section 148.30 is being updated by indicating that hospitals are required to file both Medicaid and Medicare cost reports with the Department.

Section 148.120 provides updates and clarifications on cost report filing practices, extensions of filing due dates, and the suspension of payment when a hospital has not filed the required costs reports within 150 days after the close of the hospital's fiscal year. Proposed amendments also provide specific requirements for filing financial statements by hospitals that are accredited by the Joint Commission on the Accreditation of Healthcare Organizations, but are not subject to Medicare certification.

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

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.82	Amendment	January 23, 2004 (28 Ill. Reg. _____)
148.120	Amendment	August 29, 2003 (27 Ill. Reg. 14090)
148.122	Amendment	August 29, 2003 (27 Ill. Reg. 14090)
148.126	Amendment	January 30, 2004 (28 Ill. Reg. _____)
148.160	Amendment	June 27, 2003 (27 Ill. Reg. 9549)
148.170	Amendment	June 27, 2003 (27 Ill. Reg. 9549)

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

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

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

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals will be affected.

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: These proposed amendments were not included on either of the two most recent agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

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

SUBPART A: GENERAL PROVISIONS

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

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

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Section

148.500	Definitions
148.510	Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

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

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

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

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

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August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at

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25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 148.30 General Requirements

- a) For the purpose of hospital inpatient, outpatient and hospital-based clinic reimbursement, the following requirements must be met by a hospital to qualify for enrollment in the Illinois Medical Assistance Program:
 - 1) The hospital must be certified for participation in the Medicare Program (Title XVIII) unless the provisions of subsection (a)(2) of this Section below apply.

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- 2) If not eligible for or subject to Medicare certification, the hospital must be accredited by the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO).
 - 3) The hospital must agree to accept the ~~Department's~~ Department of Public Aid basis for reimbursement.
- b) Hospitals shall be required to file submit Medicaid and Medicare cost reports with ~~to~~ the Office of Health Finance, Illinois Department of Public Aid, in accordance with Section 148.210, and shall have reimbursable hospital inpatient, outpatient and hospital-based clinic rates approved by the Department ~~of Public Aid~~.

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.210 Filing Cost Reports

- a) All hospitals in Illinois, those hospitals in contiguous states providing 100 or more paid acute inpatient days of care to Illinois ~~Medicaid Program~~ Medicaid Program participants, and all hospitals located in states contiguous to Illinois that elect to be reimbursed under the methodology described in 89 Ill. Adm. Code 149 (the Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)), shall be required to file Medicaid and Medicare cost reports within 150 days after the close of that provider's fiscal year ~~and submit a copy of the filed Medicare report~~.
- 1) Any hospital certified in the Medicare Program (Title XVIII) and electing for the first time, to be reimbursed under the DRG PPS must include a copy of the two most recently audited Medicare cost reports at the time of enrollment.
 - 2) Any hospital accredited by the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) not eligible for or subject to Medicare certification shall be required to file financial statements, a statement of revenues and expenses by program, and census logs by program and financial class. The Office of Health Finance may request an audit of the financial statements by an independent Certified Public Accountant (CPA) firm if the financial statements are to be used as the base year for rate

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analysis. Should the hospital elect not to comply with the audit request, or the financial statements are given other than an unqualified opinion, the hospital will receive an alternate rate as described in Section 148.270.

- b) No extension of the Medicaid cost report due date will be granted by the Department unless the Centers for Medicare and Medicaid Services (CMMS) grants an extension of the due date for the Medicare cost report. Should CMMS extend the Medicare cost report due date, the Department will extend the Medicaid and Medicare cost reports due date by an equivalent period of time.
- c) If the hospital has not filed the required Medicaid cost reports within 150 days after the close of the hospital's fiscal year, the Department shall suspend payment for covered medical services until the Department receives the required information.
- d)e) The assessment or license fees described in 89 Ill. Adm. Code 140.80, 140.82, 140.84, 140.94 and 140.95 may not be reported as allowable Medicaid costs on the Medicaid cost report.~~d) — A hospital that is electing to participate in the Illinois Medicaid Program and has not previously filed a Medicaid cost report must submit the two most recently audited Medicare cost reports at the time of enrollment.~~

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

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- 1) Heading of the Part: Federal Family Education Loan Program (FFELP)
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2720.10	Amendment
2720.25	Amendment
2720.50	Amendment
2720.70	Amendment
- 4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, and correcting prior errors and omissions, ISAC proposes the following substantive amendments:

Several citations referencing Federal Regulations have been added and others updated throughout this Part in order to make it easier for ISAC clients to find the most relevant sections. In Section 2720.25(b), the restriction on eligibility of educational lenders to Illinois institutions has been removed. FFELP is a federal program, and no such restriction is required and, in some cases, may limit ISAC's ability to most effectively service the needs of all of its clients. Also, in Section 2720.70(f), the requirement for a copy of a note to be certified has been removed since it is not required by federal regulations.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:
- Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email: tbreyer@isac.org
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the following page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720
FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS: THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section	
2720.5	Summary and Purpose
2720.6	Definitions (Repealed)
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Lender Eligibility
2720.30	Institutional Eligibility
2720.35	Holder Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.41	One-Lender Requirement
2720.42	One-Holder Requirement
2720.50	Procedures for Disbursement, Delivery and Repayment
2720.55	Federal Consolidation Loan Program
2720.60	Default Aversion Assistance
2720.70	Reimbursement Procedures
2720.80	Student Guarantee Fee
2720.90	Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section	
2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

Section

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- 2720.200 ISAC Originated Consolidation Loans
2720.210 Illinois Opportunity Loan Program (IOP)
2720.220 Federal Family Education Loan Program (FFELP) Loans

2720.APPENDIX A Required Activities of Educational Lenders (Repealed)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July

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1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill. Reg. 9101, effective July 1, 2000; amended at 25 Ill. Reg. 8369, effective July 1, 2001; amended at 26 Ill. Reg. 9998, effective July 1, 2002; amended at 27 Ill. Reg. 10326, effective July 1, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.10 Eligibility for ISAC Loan Guarantees

- a) Applicants may apply for a loan guarantee by submitting a common ED-approved application form or through a comparable electronic process in accordance with federal law. (See 15 USCA 7001 et seq.)
- b) Borrower eligibility requirements for guaranteed loans are established by federal regulations (34 CFR 682.201).
- c) The student must be enrolled, or accepted for enrollment, at an approved postsecondary institution which has certified the applicant as eligible for a guaranteed loan.
- d) An applicant shall not be disqualified for a loan guarantee by ISAC if the lender, the institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.), of federal regulations and of this Subpart.
- e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower, as specified by federal regulations (34 CFR 682.204).
- f) The institution shall compute a recommended loan amount for each applicant in accordance with Section 425(a)(1) of the Higher Education Act, as amended. No guaranteed loan may exceed the institution's recommended amount.
 - 1) When certifying loan eligibility for an academic year which will span academic levels, the institution's recommended loan amount shall not

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exceed the maximum permitted for the applicant's academic level at the time of certification.

- 2) Should a student borrow in excess of the permitted loan maximums, the student becomes ineligible for federal financial assistance for that academic year. (See Section 484 of the Higher Education Act of 1965, as amended (20 USCA 1091) and 34 CFR ~~668.32(g)(2)~~668.7(a)(9).)

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

Section 2720.25 Educational Lender Eligibility

- a) Educational lenders must meet the eligibility requirements of institutions as outlined in Section 2720.30, Institutional Eligibility, and must meet the eligibility requirements established for lenders as outlined in Section 2720.20, Lender Eligibility. Also, educational lenders must comply with all federal regulations related to the origination, disbursement and servicing of a loan. (See, e.g., 34 CFR 682.601.)
- b) ~~Institutions~~Illinois institutions may be approved as lenders if approved by ED and if the following requirements are met.
 - 1) The specific materials to be provided by an institution in seeking approval as an eligible lender are:
 - A) An audited, certified and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto;
 - B) An institutional catalog;
 - C) A statement of the institution's default/delinquency experience as a lender in the Federal Perkins Loan Program, FFELP, and/or Federal Insured Student Loan (FISL) Program (20 USCA 1071 et seq.);

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- D) A statement explaining the source of the institution's lending capital; and
 - E) Any other materials which might be requested by ISAC to show the institution's potential qualifications as a lender.
- 2) In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:
- A) copy of its student contract;
 - B) description of its admission/sales staff and their functions;
 - C) statement of the institution's drop-out/completion rates;
 - D) sample of the institution's advertising materials; and
 - E) description or copies of student complaints filed with the institution in the last two years. In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the institution's accrediting association.
- 3) The applications for eligible educational lender status in the programs and the supporting documentation shall be reviewed by ISAC staff. The applicant institution shall be informed of its annual lending limit, as well as any additions to the lender agreement which ISAC determines are prudent in individual instances to protect the default record of ISAC. If the institution is approved as an educational lender, it will execute an Educational Lender Agreement which will include:
- A) the institution's agreement to comply with statutes, federal regulations and State rules;
 - B) a statement of agreement including, or referring to, the list of required activities of educational lenders as outlined in 34 CFR 682.601;

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- C) a statement of agreement including, or referring to, the federal regulations with respect to loan disbursements and refund application;
 - D) a statement of agreement including, or referring to, the federal regulations definition of "due diligence"; and
 - E) an expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.
- c) A loan guarantee shall be canceled if the educational lender fails to comply with federal regulations, statutes, ISAC rules or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the educational lender for the defaulted loan.
 - d) ISAC conducts compliance reviews to determine if approved educational lenders are complying with federal regulations, statutes and rules.
 - e) Educational lenders that do not maintain the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

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

Section 2720.50 Procedures for Disbursement, Delivery and Repayment

- a) Disbursement, delivery and repayment procedures are specified in federal regulations. (See 34 CFR 682.206, 34 CFR 682.207, 34 CFR 682.209, and 34 CFR 682.604.)
- b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note for the principal and interest on the loan. The lender shall retain an original or true and exact copy of the promissory note. (See 34 CFR 682.414.)
- c) The lender shall transmit to ED any and all statements and reports necessary to

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obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan which is payable by ED.

- d) Except for loans pursuant to Section 2720.55, or loans made under a Blanket Certificate of Loan Guaranty agreement, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.
 - 1) Federal Stafford Loan checks shall be payable to the student borrower unless the institution requires all Stafford loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable ~~or sent via EFT~~ to the institution and the parent borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.
 - 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 120 days after the end of the loan period or 120 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. In cases where the student is not at fault, a late disbursement may be made beyond the 120 day period if the institution makes such a request and it is approved by ED. If the loan proceeds are not delivered pursuant to this subsection, the school must request that the loan be canceled and must return any loan proceeds. (See 34 CFR 668.164(g).)
 - 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.

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- A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.607(c) [and 668.22\(j\)](#)), the institution shall pay penalty interest.
 - B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
 - C) The penalty interest shall be paid to the lender or subsequent holder.
- f) The borrower shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder.
 - g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 240 days before the first payment on the loan is due from the borrower.
 - h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.
 - i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.
 - j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(C) of the Higher Education Act of 1965, as amended, and by federal regulations.
 - k) Borrowers are entitled to deferments, which extend the maturity date of any note, under conditions established by federal regulations.
 - l) ISAC provides lenders or holders with the ED-approved common forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, mandatory forbearance forms).
 - m) No note shall be sold or transferred by the lender except to an ISAC-approved

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lender, an ISAC-approved holder, or ISAC.

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

Section 2720.70 Reimbursement Procedures

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or discharge due to death, total and permanent disability, attendance at a school that closes, false certification by a school of a borrower's eligibility for a loan, unpaid refunds, or child care provider or teacher loan forgiveness, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.215, ~~682.402~~~~682.502~~ and 682.409.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee established by Section 2720.80.
- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to

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reimbursement, all original notes or ~~certified~~, true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.

- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee, and the federal loan origination fee, shall be contracted for or received by the lender.
- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations, including, but not limited to, offsets of federal income tax refunds and other payments made by the federal government to the borrower. (See 34 CFR 682.410.)
- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
 - 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
 - 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
 - 3) ISAC shall notify a borrower of the possibility of an offset no less than 15 days prior to the first offset. ISAC may provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within 15 days after and including the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
 - 4) Funds eligible to be offset include, but are not limited to, State income tax

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refunds and the wages of State employees.

- k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR ~~682.410(b)(5)(ii)(C)~~682.410(b)(5)(ii)(e)).
- l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.
- m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

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

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- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2735.30	Amendment
2735.40	Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A number of amendments have been proposed to Section 2735.30, Program Procedures, to reflect the introduction of a new system for measuring and tracking MAP usage. Most of these changes are reflected in Sections 2735.30(l), (m) and (n). Starting with the 2004-05 academic year, eligibility for a MAP Grant is being tracked by the equivalent number of semester credit hours of MAP benefits paid on a student's behalf. This is called MAP Paid Credit Hours.

The maximum number of MAP Paid Credit Hours that can be received is capped at the equivalent of 135. With this change, it is believed that most students will have sufficient MAP coverage to complete a baccalaureate degree. The 135 credit hours converts to approximately 4 1/2 years of full-time study and will help the student who needs to enroll beyond four years (e.g., five-year programs, remedial education, late withdrawal, loss of hours due to transfer, etc.)

There is a limit of 75 MAP Paid Credit Hours that can be paid while a student is classified by the school as a freshman or a sophomore. If this intermediate maximum is reached, the student must attain junior status for MAP eligibility to resume. This system helps to ensure that students have an adequate number of hours remaining for use in completing the upper levels of a four-year degree program.

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Payment for each term is being made according to the equivalent number of credit hours eligible for MAP payment, with a minimum of three and a maximum of 15 MAP Paid Credit Hours per term.

In addition to the above changes, other references to calculation of full-time and half-time awards in Sections 2735.30 and 2735.40 have been deleted, since awards will now be calculated based on credit hours instead. Also, a restriction on clock hour programs in Section 2735.30(p) has been deleted, in order to make the rules more consistent with federal student aid regulations.

- 6) Will these proposed amendments replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations

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affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2735
MONETARY AWARD PROGRAM (MAP)

Section

2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Program Procedures
2735.40	Institutional Procedures
2735.50	Advance Payment Option
2735.60	Contractual Agreement Requirements (Repealed)
2735.APPENDIX A	Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 2735.30 Program Procedures

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- a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)
- b) Applicants, spouses and the parents of applicants are required to submit financial information on the application which will be kept confidential, regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits).
- c) **Priority Consideration Dates**
In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than August 15 of, or immediately prior to, the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 of the regular school year for which the application is being made.
- d) **Priority Processing Guidelines**
 - 1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:
 - A) For applications with a FAFSA receipt date of no later than August 15 of or preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;
 - B) For applications with a FAFSA receipt date of August 16 or later, but no later than September 30, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;

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- C) For applications with a FAFSA receipt date of October 1 or later, and until the date of final suspension of award announcements for that regular school year, all students will be considered for second semester/second and third quarter awards only.
- 2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous regular school year and to students who did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.
- 3) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.
- 4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.
- e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of August 16 or later and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.
- f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.
- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.
- h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose

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applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.

- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.
- j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:
 - 1) maximum award specified at 110 ILCS 947/35(c); or
 - 2) institution's tuition and mandatory fee charges on file with ISAC.
- k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student.
- l) For each credit hour of MAP benefits paid on behalf of the recipient, the recipient will be assessed one MAP paid credit hour toward his or her maximum usage. For each credit hour used, payment will be made to the school on behalf of the recipient in an amount equal to $\frac{1}{15}$ of the student's calculated term award amount, with a minimum of three hours and a maximum of 15 hours paid per term. Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half time).
- m) A recipient may receive the equivalent of 135 semester credit hours of MAP benefits paid~~10 semesters/15 quarters of full-time MAP grant payment (see 23 Ill. Adm. Code 2700.40(h))~~. Eligibility may be extended for one additional term if the recipient has accumulated fewer than 135 MAP paid credit hours~~60 eligibility units~~ but does not have enough credit hours of payment~~units~~ remaining for the number of hours for which that he or she/he~~is enrolled in~~ is enrolled ~~in~~ for the term.
- n) A recipient may use no more than 75 MAP paid credit hours while enrolled at the freshman or sophomore level. Eligibility may be extended for one additional term at the freshman or sophomore level if the recipient has accumulated fewer than 75 MAP paid credit hours, but does not have enough credit hours of payment remaining for the number of hours for which he or she is enrolled for the term. Upon progressing to the junior level or above, the recipient may use the remaining

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~~balance of MAP paid credit hours, up to the 135 credit hour maximum. Seniors in their last term of enrollment prior to receiving a baccalaureate degree and applicants enrolled in student teaching are classified as full-time students for purposes of MAP grant eligibility.~~

- o) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, or noncredit course offerings (except qualifying remedial courses), ~~or clock-hour programs. Such course work cannot be used to meet the half-time or full-time requirement.~~ Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses shall be eligible for MAP payment.
- q) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- r) ~~MAP paid credit hours are assessed to~~ Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. ~~(See 23 Ill. Adm. Code 2700.40(h).)~~
- s) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.
- t) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.
- u) If a recipient's academic program involves out-of-state and/or foreign study,

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enrollment must be in accordance with subsection (j) and the following provisions:

- 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.
- 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
- 3) An institution shall not request more than two semesters/three quarters of MAP assistance for any one qualified applicant enrolled on a full-time basis, or four semesters/six quarters of MAP for an applicant-enrolled on a half-time basis.

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

Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall

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request MAP payment in accordance with this subsection:

- 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
 - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
 - f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.
 - g) Institutions of higher learning shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2735.20, Applicant Eligibility.
 - h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
 - 1) The recipient must indicate his/her institution of record on the MAP application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution.

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- 3) The amount paid cannot exceed the maximum term award for ~~full-time or half-time~~ students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
- 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
- 5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
 - i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
 - j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.
 - k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
 - l) MAP grants are divided into two semester or three quarter regular term payments and are paid directly to the approved institution of record which certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.

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- m) Institutional Processing of Payments
- 1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
 - 2) Institutions are required to reconcile payments received through MAP and, as applicable, submit all necessary corrections to student records on a timely basis. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term unless ISAC has already deducted outstanding refunds from institutional payment requests during the applicable fiscal year. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Refunds showing as owed to ISAC must be remitted within 30 days after the end of the institution's regular school year. Should the payment arrive after the end of the regular school year, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.
 - 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
 - 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.
 - 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

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

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- 1) Heading of the Part: Illinois Incentive For Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2736.10	Amendment
2736.20	Amendment
2736.30	Amendment
2736.40	Amendment
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Public Act 93-0455 made several changes to this program, including a name change to the Silas Purnell Illinois Incentive for Access (IIA) Program, which will be effective July 1, 2004. Applicant Eligibility, Section 2736.20, has been amended to reflect the expansion of eligibility to include applicants with an Expected Family Contribution (EFC) of \$500 or less, versus the current eligibility of applicants with a \$0 EFC only. Proposed amendments to Section 2736.30, Program Procedures, reflect an increase in the award amount from \$500 to an amount not to exceed \$1,000 for applicants with an EFC of \$0, and also add a new level of grant, allowing for awards not to exceed \$500 to be given to students with an Expected Family Contribution (EFC) of \$500 or less, but more than \$0. Both award amounts are subject to appropriation. As a result of the increase in the award amount, Section 2736.40, Institutional Procedures, is being amended to reflect that grants are to be paid to the institution in two disbursements in an amount not to exceed \$500 each term.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:
- D) Types of small businesses, small municipalities and not for profit corporations affected: None
- E) Reporting, bookkeeping or other procedures required for compliance: None
- F) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2736

SILAS PURNELL ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

Section

2736.10	Summary and Purpose
2736.20	Applicant Eligibility
2736.30	Program Procedures
2736.40	Institutional Procedures

AUTHORITY: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 10397, effective August 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 15067, effective November 15, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11110, effective July 18, 1997; amended at 22 Ill. Reg. 11095, effective July 1, 1998; amended at 24 Ill. Reg. 9144, effective July 1, 2000; amended at 25 Ill. Reg. 8402, effective July 1, 2001; amended at 26 Ill. Reg. 10033, effective July 1, 2002; amended at 27 Ill. Reg. 10358, effective July 1, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 2736.10 Summary and Purpose

- a) The Silas Purnell Illinois Incentive for Access (IIA) Program provides grant assistance to freshmen who have a limited ability to pay for college. The purpose of the program is to provide access and retention for this population and, possibly, to reduce their loan debt.
- b) This Part establishes rules which govern the IIA Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

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

Section 2736.20 Applicant Eligibility

- a) A qualified applicant shall be:

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- 1) a citizen or eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) an undergraduate student;
 - 4) officially classified by the institution as a freshman;
 - 5) enrolled at an ISAC-approved institution of higher learning;
 - 6) enrolled in an eligible degree or certificate program (see 23 Ill. Adm. Code 2735.20(a)(4));
 - 7) enrolled on at least a half-time basis throughout the institution's tuition refund/withdrawal adjustment period;
 - 8) making satisfactory academic progress as determined by the institution; and
 - 9) ~~with limited without~~ personal or family financial resources available for expenditure toward educational expenses, as defined by current federal student financial aid methodology (i.e., ~~an~~~~\$0~~ Expected Family Contribution ~~(EFC) of \$500 or less~~).
- b) A qualified applicant shall not have previously received a baccalaureate degree.
- c) Notwithstanding any other provision of this Section, in calculating an applicant's class level standing for purposes of determining eligibility to receive benefits under this program, an institution shall exclude credit hours earned by the applicant through Advanced Placement or other similar proficiency exams.

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

Section 2736.30 Program Procedures

- a) An applicant applies for an IIA grant by using the form which the United States Department of Education (ED) designates as the application form for federal student financial aid. (See 20 USCA 1070a.) This is also the application form

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used for the Monetary Award Program (MAP) grant. (See 23 Ill. Adm. Code 2735.30(a).)

- 1) An applicant must authorize ED to release his/her data to ISAC.
 - 2) An applicant, spouse and/or parents of the applicant, as applicable, are required to submit financial information on the application regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits). This information shall be kept confidential.
 - 3) A recipient must report to the institution all additional gift assistance, such as tuition waivers and scholarships.
 - 4) An applicant must file his/her application by the deadline date established by ISAC.
- b) A qualified applicant may receive one grant in an amount not to exceed \$1,000, subject to appropriation, for an applicant with an EFC of \$0; or an amount not to exceed \$500, subject to appropriation, for an applicant with an EFC of \$500 or less, but more than \$0 of up to \$500.
- c) The application must be complete at the time the grant is awarded. ISAC must have accurate data to properly determine an applicant's eligibility. If changes or corrections are necessary after receipt of corrected data, ISAC shall recalculate awards for those applicants whose applications are not in agreement with their financial records.
- d) It is the responsibility of IIA grant applicants to gain admission to approved Illinois institutions. Illinois institutions are not obligated to admit IIA applicants.
- e) IIA grant payment is subject to the limit of dollars appropriated to ISAC by the Illinois General Assembly. If funds are insufficient to pay all claims, grants will be awarded according to the date the completed applications were received until funds have been expended.
- f) ISAC must submit a written evaluation of the IIA Program to the Governor, the General Assembly and the Board of Higher Education, including a report of the progress made toward the goal of increasing the access and retention rates for IIA

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grant recipients. Therefore, ISAC may collect data from institutions to comply with this requirement.

- g) IIA grants are applicable to any expense that is used to calculate the applicant's cost of attendance.
- h) The IIA grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
- i) The IIA grant shall not pay for audit courses, credit-by-examination and/or life experience, or noncredit course offerings (except qualifying remedial courses). Such course work cannot be used to meet the half-time requirement. Remedial courses shall be eligible for IIA payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses are eligible for IIA payment.
- j) An institution is obligated to provide IIA recipients the same facilities and instruction, on the same terms, as those provided to other students.

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

Section 2736.40 Institutional Procedures

- a) Claims for IIA-eligible students shall be submitted by the institution of record after the institution of record certifies to ISAC that the applicant meets the criteria listed in Section 2736.20, Applicant Eligibility.
- b) IIA grants are paid directly to the institution of record in two disbursements consisting of payments ~~in an amount not to exceed \$500~~ ~~of \$250~~ each term.
- c) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. If a student is receiving both MAP and IIA and the gift assistance exceeds the cost of attendance, IIA should be used first and MAP should be reduced to prevent an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.

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- d) For institutions with concurrent registration opportunities:
- 1) the recipient must indicate his/her institution of record on the financial aid application;
 - 2) the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution;
 - 3) concurrent registration is limited to ISAC-approved institutions of higher learning; and
 - 4) the recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
- e) If a qualified applicant withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the qualified applicant shall receive the IIA grant payment for that term.
- f) Institutional Processing of Payments
- 1) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
 - 2) To provide sufficient time for processing and vouchering through the State Comptroller's Office, all payment requests must be received by ISAC no later than August 1 following the academic year due to the State's fiscal year lapse period ending August 31.
 - 3) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit. However, final action may require an institution to obtain payment for approved claims through the Illinois Court of Claims. (See the Court of Claims Act [705 ILCS 505].)
 - 4) Within 30 days after receiving payment of any IIA funds, the institution shall credit the recipient's account for the appropriate term.

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- 5) IIA award payments in the name of one recipient cannot be applied to another recipient at the same institution.
- 6) Following receipt of IIA payments from ISAC for the term, an institution is required to reconcile its records. If the institution determines that refunds are due, they are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following the receipt of payment to complete the reconciliation process and return any funds due.
- 7) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional IIA payments.

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Minority Teachers Of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) Section Numbers: 2763.30 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A minor change has been proposed to Section 2763.30(a)(2) to reflect that renewal applications will be made available to all qualified applicants who were awarded MTI Scholarships during the preceding year, rather than just those who actually received Scholarships. This is a somewhat more inclusive group, since some applicants may be selected to receive MTI awards, but may not have awards claimed and paid on their behalf.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section

2763.10	Summary and Purpose
2763.20	Applicant Eligibility
2763.30	Program Procedures
2763.40	Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 30, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; amended at 20 Ill. Reg. 9221, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective July 1, 2000; amended at 27 Ill. Reg. 10385, effective July 1, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 2763.30 Program Procedures

- a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) Applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 2) ISAC will make renewal applications available to all qualified students who ~~were awarded~~received MTI Scholarships during the preceding regular school year.
 - 3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants. *If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants, then the Commission may award a portion of the reserved funds to qualified female minority applicants.* [110 ILCS 947/50]
 - c) Notwithstanding the provisions of subsection (b) of this Section, awards will be made first to renewing applicants.
 - d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
 - e) Scholarship funds are applicable towards up to two semesters/three quarters of study within a regular school year.
 - f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deerfield office. However, preference may be given to qualified applicants enrolled at or above the junior level.
 - g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their GED

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certificates.

- h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) the recipient shall begin teaching within one year following the completion of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required period of time;
 - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- i) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2763.30(h) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;

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- 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (h)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline.
- k) During the time a recipient qualifies for any of the extensions listed in subsection (j) of this Section, he or she shall not be required to make payments and interest shall not accrue.
- l) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to

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pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course of study;

- 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Future Teacher Corps (IFTC) Program
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3) Section Number: 2764.30 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A minor change has been proposed to Section 2764.30(b)(2) to reflect that renewal applications will be made available to all qualified applicants who were awarded IFTC scholarships during the preceding year, rather than just those who actually received scholarships. This is a somewhat more inclusive group, since some applicants may be selected to receive IFTC awards, but may not have awards claimed and paid on their behalf. Section 2764.30(k)(3) is being amended to clarify that the teaching requirement under this program must be fulfilled at a nonprofit Illinois public, private or parochial preschool or an Illinois public elementary or secondary school.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]

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and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2764
ILLINOIS FUTURE TEACHER CORPS (IFTC) PROGRAM

Section

2764.10	Summary and Purpose
2764.20	Applicant Eligibility
2764.30	Program Procedures
2764.40	Institutional Procedures

AUTHORITY: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed at 21 Ill. Reg. 11027 and new Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective July 1, 2000; amended at 27 Ill. Reg. 10395, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1749, effective January 25, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 2764.30 Program Procedures

- a) All applicants must complete and file the form which the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) which is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)
- b) A completed ISAC application for the IFTC Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 1) ISAC applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who ~~were awarded~~received assistance under this Part during the preceding academic year.
 - 3) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- c) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:
- 1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale;
 - 2) Expected Family Contribution (EFC), from the lowest to the highest;
 - 3) minority students shall receive priority consideration; and
 - 4) recipients of assistance under this Part during the previous academic year shall receive first priority consideration provided the student:
 - A) continues to maintain a cumulative grade point average of no less than 2.5 on a 4.0 scale;
 - B) maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a) of this Part, Applicant Eligibility;
 - C) maintains satisfactory academic progress as determined by the institution; and
 - D) has submitted an application on a timely basis.
 - 5) Preference may also be given to qualified applicants enrolled in teacher

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shortage disciplines, which shall include early childhood education.

- d) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
- e) A recipient may receive up to 4 semesters/6 quarters of scholarship assistance under this program.
- f) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.
- g) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
- h) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors and scholarship amounts established by this Section.
- i) ISAC shall publish guidelines for the awarding of IFTC scholarships.
- j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive an IFTC scholarship. A notice will be sent by ISAC to each qualified applicant who is not selected to receive an IFTC scholarship.
- k) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to teach, on a full-time basis, for a period of not less than five years and in accordance with any additional commitment to teach in a teacher shortage discipline and/or at a hard-to-staff school, as applicable;
 - 2) the recipient shall begin teaching within one year following completion of the postsecondary education degree or certificate program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 3) the teaching requirement will be fulfilled at ~~a nonprofit~~ Illinois public, private or parochial preschool, or an Illinois public elementary or secondary school and if the award made under this Part was for teaching at a hard-to-staff school, the school must qualify for teacher loan cancellation under Section 465(a)(2)(A) of the HEA (see 20 USCA 1087ee);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- 1) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2764.30(k) during period in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (k)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact.

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- m) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or
 - 3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.
- n) During the time a recipient qualifies for any of the extensions listed in subsection (m) of this Section, he or she shall not be required to make payments and interest shall not accrue.
- o) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.

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- p) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) Renewal recipients may receive a subsequent award even if their discipline is no longer on the approved list of teacher shortage disciplines.

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

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- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2765.10	Amendment
2765.30	Amendment
- 4) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

To more accurately capture statutory changes contained in Public Act 92-0845, but not fully reflected previously, amendments have been proposed to Sections 2765.10(a) and 2765.30(i) to clarify that the teaching commitment under this program may be fulfilled at a nonprofit public, private or parochial preschool, elementary or secondary school in Illinois.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3] and

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does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email: tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section

2765.10	Summary and Purpose
2765.20	Applicant Eligibility
2765.30	Program Procedures
2765.40	Institutional Procedures

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

SOURCE: Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. 9159, effective July 1, 2000; amended at 26 Ill. Reg. 10037, effective July 1, 2002; amended at 27 Ill. Reg. 10405, effective July 1, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 2765.10 Summary and Purpose

- a) The Illinois Special Education Teacher Tuition Waiver (SETTW) Program encourages current teachers and academically talented students to pursue careers as Illinois public, private or parochial preschool, elementary and secondary school teachers in any area of Special Education.
- b) This Part establishes the rules which govern the Illinois SETTW Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

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

Section 2765.30 Program Procedures

- a) A completed ISAC application for the Illinois SETTW Program must be

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postmarked on or before March 1 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.

- b) ISAC applications for the Illinois SETTW Program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; State legislative and federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.
- c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.
- d) Before March 1 of each year, principals of public, private and parochial high schools in Illinois will provide the names of all students in their high school who are anticipated to be qualified applicants.
- e) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:
 - 1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;
 - 2) A minimum of 210 tuition waivers shall be awarded annually to high school graduates (or students scheduled to graduate) who rank in the upper half of their class. Any of the 40 tuition waivers not awarded pursuant to subsection (d)(1) of this Section shall be awarded to this group;
 - 3) ISAC shall select recipients, who do not hold valid teaching certificates, from among qualified applicants based on the highest ACT or SAT I test scores from the time periods set forth in Section 2760.20(b), (c) and (d), as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2)).
 - 4) A lottery will be used to determine recipients if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the

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number of tuition waivers to be awarded.

- f) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.
- g) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.
- h) A recipient shall be exempt from paying tuition and mandatory fees for up to four calendar years.
- i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to begin teaching on a full-time basis, in the field of Special Education, within one year following graduation from or termination of enrollment in a teacher education program, at a nonprofit, public, private or parochial preschool, elementary or secondary school in Illinois and to continue teaching for at least 2 of the 5 years immediately following;
 - 2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and
 - 3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
 - 1) serves, for not more than three years, as a member of the United States Armed Forces;

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- 2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;
 - 3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- k) A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:
- 1) earning funds to defray the recipient's educational expenses;
 - 2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or
 - 3) military service.
- l) A recipient must complete his or her course of study within six years including leaves of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.
- m) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or

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- 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.
- n) If a recipient is required to repay any portion of the tuition waiver, the repayment period shall be completed within five years after the tuition waiver converts to a loan. The five-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact;
or
 - 5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on a full-time basis in another academic discipline.
- o) During the time a recipient qualifies for any of the extensions listed in subsection (n) of this Section, he or she shall not be required to make payments and interest shall not continue to accrue.
- p) A recipient shall not be required to pay the amount of the tuition and fees waived if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) A recipient must be enrolled in a special education program within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, s/he will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

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

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- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3)

<u>Section Number</u> :	<u>Proposed Action</u> :
2775.20	Amendment
2775.40	Amendment
- 4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Amendments are being proposed to reflect statutory changes contained in Public Act 93-0056. In Section 2775.20, Definitions, the definition of "Nonpublic Institution of Higher Education" is being amended to delete the provision excluding College Illinois! prepaid tuition benefits from being used at schools principally used to provide sectarian instruction, religious teaching, or professional religious training. An amendment is also being proposed to Section 2775.40(c) to reflect that the statutory limits on installment contracts being payable over a five-year period, or 10 years for a 120 credit-hour contract, have now been removed.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email:tbreyer@isac.org

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2775

ILLINOIS PREPAID TUITION PROGRAM

Section

2775.10	Summary and Purpose
2775.20	Definitions
2775.30	Participant Eligibility
2775.40	Program Procedures
2775.50	Contract Terms and Conditions
2775.60	Scholarships, Grants or Monetary Assistance
2775.70	Disclosure

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

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 9154, effective July 1, 2000; amended at 25 Ill. Reg. 8410, effective July 1, 2001; amended at 26 Ill. Reg. 10043, effective July 1, 2002; amended at 28 Ill. Reg. _____, effective _____.

Section 2775.20 Definitions

"Illinois Community College" – A public community college as defined in Section 1-2 of the Public Community College Act.

"Illinois Prepaid Tuition Contract" or "Contract" – A contract entered into between the Illinois Student Assistance Commission, on behalf of the State of Illinois, and a purchaser under Section 45 of the Illinois Prepaid Tuition Act to provide for the higher education of a qualified beneficiary.

"Illinois Prepaid Tuition Program" or "Program" – The college savings and investment program created in Section 15 of the Illinois Prepaid Tuition Act.

"Illinois Prepaid Tuition Trust Fund" – The repository of all moneys received by

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the Commission, including all contributions, appropriations, interest and dividend payments, gifts, or other financial assets received in connection with operation of the Illinois Prepaid Tuition Program.

"Illinois Public University" – Any campus of: the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University or Northeastern Illinois University.

"MAP-eligible Institution" – A public institution of higher education or a nonpublic institution of higher education whose students are eligible to receive need-based student financial assistance through Monetary Award Program (MAP) grants administered by the Illinois Student Assistance Commission under the Higher Education Student Assistance Act and whose students also are eligible to receive benefits under Section 529(a) of the Internal Revenue Code of 1986, as specified by the federal Small Business Act of 1996 and subsequent amendments to this federal law.

"Member of the Family" or "Immediate Family" – Member of the family as defined in the Internal Revenue Code, Section 529(e)(2), as amended, means an individual who bears a relationship to a qualified beneficiary as follows: son or daughter, or a descendant of either; stepson or stepdaughter; brother, sister, stepbrother, stepsister, half-brother, or half-sister; father or mother or an ancestor of either; stepfather or stepmother; son or daughter of a brother or sister; brother or sister of the father or mother; son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law, the spouse of any of the above; the spouse; or any first cousin. In determining whether any of these relationships exist, a legally adopted child of an individual shall be treated as a child of such individual by blood.

"Nonpublic Institution of Higher Education" – Any MAP-eligible educational organization, other than a public institution of higher education, that provides a minimum of an organized 2-year program at the postsecondary level and that operates in conformity with standards substantially equivalent to those of public institutions of higher education. ~~This excludes any educational organization used principally for sectarian instruction, as a place of religious teaching or worship, or for any religious denomination for the training of ministers, rabbis, or other professional persons in the field of religion.~~

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"Public Institution of Higher Education" – An Illinois public university or Illinois community college.

"Purchaser" – Any person that has contracted to make payments under an Illinois prepaid tuition contract in accordance with State and federal laws.

"Qualified Beneficiary" – An individual designated as the recipient of the benefits of a prepaid tuition contract, provided he/she: has been a resident of this State for at least 12 months prior to the date of the application; or is a nonresident, so long as the purchaser has been a resident of the State for at least 12 months prior to the date of the application; or is less than one year of age and whose parent or legal guardian has been a resident of the State for at least 12 months prior to the date of the application.

"Registration Fees" – The charges derived by combining tuition and mandatory fees.

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

Section 2775.40 Program Procedures

- a) Application/Master Agreement
 - 1) The application period for purchases of contracts for the prepayment of postsecondary registration fees shall commence and terminate on dates set annually and announced publicly by the Commission.
 - 2) After receipt and approval of the purchaser's application/master agreement, a participation and payment schedule shall be mailed to the purchaser. The contract itself shall be comprised of the application/master agreement, participation and payment schedule.
 - 3) Each prepaid tuition contract must have one person designated as purchaser and one person designated as qualified beneficiary.
- b) Contract Prices and Fees
The Commission shall annually review contract prices and adjust prices for new contracts, referencing annual changes in registration fees at Illinois public universities and Illinois community colleges. An implied interest rate for

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installment payment plans will be calculated annually, and subsequently approved or reaffirmed by the Commission as part of its pricing policy for the program. The Commission shall also approve annually a schedule of administrative fees or changes to fees for the program, including, but not limited to, application, late payment, cancellation and monthly maintenance fees.

c) Payment Options

All contributions must be made in cash or its equivalent. Purchasers may make payments through a variety of means. Automated clearinghouse checks, payroll deductions or payments via coupon books will be acceptable. Payments are due in accordance with conditions set forth in the contract. Payments may be made by lump sum or by installments. ~~All installment contracts shall be for a period of five years, except that contracts for at least 120 credit hours may be payable, by installments, over a 10-year period.~~ No penalty shall be assessed for early payment of installment contracts.

d) Delinquency and Default

For monthly payment plans, failure to make full payment within 15 days after the due date shall result in assessment of a late fee and suspension of the qualified beneficiary's rights under the plan. For lump sum and annual payment plans, failure to make full payment within 30 days after the due date shall result in assessment of a late fee and suspension of the qualified beneficiary's rights under the plan. If an account is delinquent for 210 days after the scheduled payment date, the account is canceled and the purchaser is sent the appropriate refund amount.

e) Termination

There are two types of contract termination, involuntary and voluntary:

- 1) Involuntary termination shall occur upon a finding of fraud in the verification of residency of a qualified beneficiary at the time of application or the nonpayment of any appropriate payments due within established time frames.
- 2) Voluntary termination shall occur within 30 days after receiving written notice of a purchaser's desire to cancel a contract.

f) Refunds

Generally, no refund shall exceed the amount paid into the Illinois Prepaid

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Tuition Trust Fund by the purchaser and no refund shall be authorized under any prepaid tuition contract for any term partially attended but not completed. Refunds shall be made payable to the order of the purchaser only. The Commission shall authorize refunds in excess of the amount paid into the Illinois Prepaid Tuition Trust Fund only for contracts held for at least three years under the following conditions:

- 1) When a qualified beneficiary is awarded a grant or scholarship, the terms of which duplicate the benefits covered by his or her prepaid tuition contract, then the moneys paid for the purchase of the contract shall be returned to the purchaser, in term installments that coincide with the matriculation of the qualified beneficiary.
 - A) If the qualified beneficiary is enrolled at an Illinois Public University or Illinois Community College, the refund will be equal to the institution's current in-state or in-district registration fees, less any registration fees not covered by the scholarship and any applicable service fees.
 - B) If the qualified beneficiary is enrolled at a non-public or out-of-state institution, the refund will be equal to the current mean-weighted average of registration fees at Illinois Public Universities or Illinois Community Colleges, depending on the plan purchased under the contract, less the registration fees not covered by the scholarship and any applicable service fees.
- 2) In the event of death or total disability of the qualified beneficiary, moneys paid for the purchase of the contract shall be returned to the purchaser together with all accrued earnings.
- 3) In cases where a public university plan contract is converted for usage at an Illinois community college, then the amount refunded shall be on a term-by-term basis. The refund should be the current value of the original contract minus the current value of the contract after conversion.
- 4) In all instances of a voluntary contract cancellation, the amount refunded shall be the original purchase price of the contract plus two percent compounded annually, less a cancellation fee.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Egg and Egg Products Act
- 2) Code Citation: 8 Ill. Adm. Code 65
- 3) Section Number: 65.210 Adopted Action:
Amend
- 4) Statutory Authority: Illinois Egg and Egg Products Act [410 ILCS 615/13]
- 5) Effective Date of Amendment: February 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 17, 2003; 27 Ill. Reg. 16082
- 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? There were no agreements.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Bureau of Weights and Measures inspects eggs and egg products for compliance with the Illinois Egg and Egg Products Act. The Bureau licenses anyone who buys, sells, trades or barter eggs in Illinois. An inspection fee per case (30 dozen eggs) is paid by the first handler in Illinois who packed and sold the eggs. For eggs shipped into Illinois, the fee is paid by the handler who invoiced the eggs to Illinois. The fee increase is necessary to cover the administrative and inspection costs of the egg program as provided by law.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 65
EGG AND EGG PRODUCTS ACT

Section

65.10	Definitions
65.20	Packaging Material, Master Containers, Packing Material and Consumer-Size Containers
65.30	Consumer Container Labeling Requirements
65.40	Restrictions
65.50	Master Container Labeling Requirements
65.60	Advertising
65.70	Brand or Firm Name
65.80	Food Preparation
65.90	Holding Temperature
65.100	Application for License or Renewal; Revocation or Suspension of License
65.110	Licenses
65.120	Surety Bond or Certificate of Deposit (Repealed)
65.130	Required Forms and Records
65.140	Minimum Sanitation, Building and Labeling Requirements for Egg Breaking Establishments
65.150	Minimum Sanitation and Operating Requirements for Shell Egg Grading Plants, Not Under Federal Inspection, Engaged in the Grading, Storage, Packaging and Distribution of Eggs
65.160	Minimum Sanitation Requirements for Retailers and Institutional Consumers
65.170	Retail Egg Inspection
65.180	Enforcement
65.190	Restricted Eggs (Definition, Labeling, Handling, Disposition)
65.200	Denaturants
65.210	Egg Inspection Fee
65.220	Illinois Grade Standards
65.230	Administrative Hearings (Repealed)

AUTHORITY: Implementing and authorized by Section 13 of the Illinois Egg and Egg Products Act [410 ILCS 615/13].

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

SOURCE: Rules and Regulations for the Illinois Egg and Egg Products Act, filed October 28, 1975, effective November 1, 1975; amended March 2, 1976, effective March 12, 1976; amended December 29, 1976, effective January 1, 1977; codified at 5 Ill. Reg. 10449; amended at 7 Ill. Reg. 2311, effective February 14, 1983; amended at 17 Ill. Reg. 6749, effective April 27, 1993; amended at 19 Ill. Reg. 16933, effective January 1, 1996; amended at 21 Ill. Reg. 900, effective January 6, 1997; amended at 28 Ill. Reg. 2072, effective February 1, 2004.

Section 65.210 Egg Inspection Fee

- a) An inspection fee of ~~6¢~~ ~~5¢~~ per case (30 dozen equals a case) or fraction thereof shall be imposed on all eggs bearing a designated size and grade which are offered for sale or sold in the State of Illinois.
- b) The first handler in Illinois who packed and sold the eggs shall pay the prescribed inspection fee on such eggs. In the event that the eggs are shipped into Illinois, the handler who invoiced the eggs to Illinois shall pay the fee.
- c) The handler paying the inspection fee shall charge on each sales invoice the amount of the inspection fee as the transaction in addition to the price of the eggs.
- d) Eggs sold or shipped out of the State of Illinois are exempt from inspection fees.
- e) The inspection fee shall be paid only once on the same quantity of eggs so long as said eggs maintain their identity by remaining in their original case, carton or container.
- f) Persons responsible for the payment of the inspection fees shall report every three months the number of master containers (cases of 30 dozen eggs per case) of eggs subject to the inspection fee on forms supplied by the Department. Exception: Persons selling less than 600 master containers of eggs per year subject to the inspection fee shall report the number of master containers sold and remit fees on an annual basis at the time of license renewal. Such reports shall be accompanied by a remittance in an amount corresponding to said number of master containers at the rate prescribed per master container.
 - 1) In the events below, the Director shall summon the delinquent person or firm to an administrative hearing in Springfield whereby his license may be suspended or revoked:
 - A) the quarterly report is established as being false or incorrect, or

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- B) the report is not received within 30 days of the due date.
- 2) The quarters are as follows: January 1~~st~~ to March 31~~st~~; April 1~~st~~ to June 30~~th~~; July 1~~st~~ to September 30~~th~~; October 1~~st~~ to December 31~~st~~.
- g) The inspection fee applies to all eggs identified with a consumer Grade "AA", "A", or "B" packed loose or packaged in cartons.

(Source: Amended at 28 Ill. Reg. 2072, effective February 1, 2004)

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- 1) Heading of the Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
80.80	Amend
80.110	Amend
80.140	Amend
80.150	Amend
80.160	Amend
80.170	Amend
80.180	Amend
80.190	Amend
- 4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]
- 5) Effective Date of Amendments: February 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 19, 2003; 27 Ill. Reg. 14667
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Non-substantive changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments will recognize the individual Canadian provinces for status in regards to tuberculosis. If tuberculosis is diagnosed in

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Canada, testing requirements will apply only to animals originating from that province and not the entire country.

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

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

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 80

ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section

80.5	Definitions/Incorporations by Reference
80.10	Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds
80.20	When Indemnity Will Be Paid on Tests
80.30	Herds Quarantined Because of Suspected Tuberculosis Infection
80.40	Identification Tags Not To Be Removed
80.50	Infected Herd Depopulation (Repealed)
80.60	Cattle for Immediate Slaughter (Repealed)
80.70	Feeding or Grazing Cattle from Non-Accredited Tuberculosis Free States
80.80	Female Cattle – Beef Breeds – 18 Months and Over from Non-Accredited Tuberculosis Free Areas or Canadian Provinces
80.90	Sale of Quarantined Feeding or Grazing Cattle (Repealed)
80.100	Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110	Breeding Cattle
80.120	Tuberculin Tests
80.130	Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.140	Cervidae
80.150	Goats
80.160	Testing Requirements for Cattle from Non-Accredited Free Areas or Canadian Provinces
80.170	Bison
80.180	Illinois Exhibition Animals Returning from Non-Accredited Free States
80.190	Animals Entering Illinois from Non-Accredited Free States, Canadian Provinces or Areas; Permit Required

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9

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Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. 9775, effective August 9, 1999; amended at 24 Ill. Reg. 1003, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8613, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16623, effective November 1, 2000; amended at 26 Ill. Reg. 71, effective January 1, 2002; amended at 28 Ill. Reg. 2077, effective February 1, 2004.

Section 80.80 Female Cattle – Beef Breeds – 18 Months and Over from Non-Accredited Tuberculosis Free Areas or Canadian Provinces

Female cattle of the beef breeds 18 months of age and over, for feeding or grazing purposes only, may enter Illinois from Non-Accredited Tuberculosis Free States or Canadian provinces that are not tuberculosis free, or may be shipped from public stockyards within the State, if they are accompanied by an official interstate health certificate showing that the animals originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must have an individual negative tuberculin test conducted within 30 days prior to entry.

(Source: Amended at 28 Ill. Reg. 2077, effective February 1, 2004)

Section 80.110 Breeding Cattle

All breeding cattle entering or being exhibited in the State of Illinois from Accredited Tuberculosis Free States shall be accompanied by an official certificate of health issued by an accredited veterinarian. No tuberculin test is required for breeding cattle originating from Accredited Tuberculosis Free States. Breeding cattle entering or being exhibited in Illinois from a state that is not Tuberculosis Accredited Free or a Canadian province that is not tuberculosis free shall be accompanied by an official certificate of health issued by an accredited veterinarian showing:

- a) Cattle are individually identified by ear tag number, tattoo number or registration name and number;
- b) Cattle originated from a herd where a complete negative herd test was conducted within the past year and the individual animals entering Illinois were negative to two tuberculin tests conducted within 180 and 30 days prior to entry or exhibition;
or

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- c) If Illinois is not an Accredited Tuberculosis Free State, breeding cattle originating in Illinois were negative to a tuberculin test conducted within 90 days prior to exhibition.

(Source: Amended at 28 Ill. Reg. 2077, effective February 1, 2004)

Section 80.140 Cervidae

- a) All cervidae entering Illinois shall comply with the following:
- 1) Animals~~For animals~~ originating from:
 - A) Accredited Bovine Tuberculosis-Free Areas ~~shall~~ be negative to two single cervical tests using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, no less than 90 days apart, with the second test conducted within 90 days prior to the movement, for all animals 12 months of age and over that were isolated from all other members of the herd during the testing period, unless they originate from an accredited, qualified or monitored herd.
 - i) Cervidae from an accredited herd may be moved into Illinois without further tuberculosis testing provided that they are accompanied by a certificate stating that such cervidae originated from an accredited herd.
 - ii) Cervidae originating from qualified or monitored herds may enter Illinois with a negative test within 90 days prior to importation and a certificate stating that the animals originate from a monitored herd.
 - B) Non-Accredited Bovine Tuberculosis-Free Areas or Canadian provinces that are not tuberculosis free and that, originate from a herd where a complete herd test has been conducted within the past year, and all animals found negative to a single cervical test using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, ~~shall be and the individual animals entering Illinois were~~ negative to two single cervical tests conducted within 180 and 30 days prior to entry.

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Institutions that have been accredited by the American Zoo and Aquarium Association (AZAA) are exempt from these requirements when movement is between accredited member facilities. All other movement from AZAA-accredited members must comply with these movement requirements.

- 2) Be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within 30 days prior to importation.
- 3) Be individually identified by an approved eartag, microchip or tattoo.
- 4) Be accompanied by a permit obtained from the Department as follows:
 - A) Applicant for permit shall furnish the following information to the Department:
 - i) Name and post office mailing address of Illinois destination;
 - ii) Name and post office mailing address of consignor;
 - iii) Number of cervidae in shipment.
 - B) Grounds for refusal to issue permit are:
 - i) Violation of the Act or any rule of this Part;
 - ii) Presence of a disease which might endanger the Illinois livestock industry;
 - iii) Refusal to provide required information for the permit.
 - C) Permits will be issued by telephoning or writing the Department.
- b) Accredited, qualified and monitored tuberculosis-free cervidae herds shall be established and maintained in accordance with the Uniform Methods and Rules for Bovine Tuberculosis Eradication.
- c) Cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].

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(Source: Amended at 28 Ill. Reg. 2077, effective February 1, 2004)

Section 80.150 Goats

Goats entering Illinois for any reason, including exhibition, from states or Canadian provinces that are not Accredited Bovine Tuberculosis Free must be accompanied by a health certificate indicating that the animals originated from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals entering Illinois are negative to a tuberculin test conducted within 30 days prior to entry.

(Source: Amended at 28 Ill. Reg. 2077, effective February 1, 2004)

Section 80.160 Testing Requirements for Cattle from Non-Accredited Free Areas or Canadian Provinces

Cattle originating from Non-Accredited Free Areas or Canadian provinces that are not tuberculosis free areas must meet the following testing requirements prior to entry into Illinois:

- a) Cattle entering Illinois for breeding purposes must originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must have had two negative tests within 180 and 30 days prior to entry.
- b) Cattle entering Illinois for feeding or grazing purposes must originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must have had an individual test within 30 days prior to entry.
- c) Cattle entering Illinois for exhibition must originate from a herd where a complete negative herd test has been conducted within the past year, and the individual animals must have had two negative tests within 180 and 30 days prior to entry.

(Source: Amended at 28 Ill. Reg. 2077, effective February 1, 2004)

Section 80.170 Bison

Bison entering Illinois for any reason, other than immediate slaughter and including exhibition, must:

- a) if originating from an Accredited Free State~~accredited free state~~, be from an

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accredited tuberculosis-free herd, or the individual animal entering Illinois must have had an individual test within 30 days prior to entry; or

- b) if originating from a Non-Accredited Free State or Canadian province that is not tuberculosis free~~non-accredited free state~~, originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animal must have had two negative tests within 180 and 30 days prior to entry.

(Source: Amended at 28 Ill. Reg. 2077, effective February 1, 2004)

Section 80.180 Illinois Exhibition Animals Returning from Non-Accredited Free States

Any Illinois cattle, bison, cervidae or goats being exhibited in Non-Accredited Free States~~non-accredited free states~~ or Canadian provinces that are not tuberculosis free must be isolated from the remainder of the herd/flock upon return to Illinois and retested for tuberculosis 60-120 days post entry.

(Source: Amended at 28 Ill. Reg. 2077, effective February 1, 2004)

Section 80.190 Animals Entering Illinois from Non-Accredited Free States, Canadian Provinces or Areas; Permit Required

Any cattle, bison, cervidae or goats entering Illinois for any reason other than immediate slaughter from Non-Accredited Free States, Areas, or Canadian provinces that are not tuberculosis free are required to obtain a prior permit from the Department that is good for 72 hours.

- a) The applicant for permit shall furnish the following information to the Department:
- 1) name and mailing address of Illinois destination;
 - 2) name and address of consignor; and
 - 3) number of animals in shipment.
- b) Grounds for refusal to issue a permit are:
- 1) violation of the Act or any rule contained in this Part; and

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- 2) presence of a disease that might endanger the Illinois livestock industry.

(Source: Amended at 28 Ill. Reg. 2077, effective February 1, 2004)

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- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
85.5	Amend
85.10	Amend
85.12	Amend
85.15	Amend
85.55	Amend
85.75	Amend
85.115	Amend
85.135	Amend
85.150	Add
- 4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65]
- 5) Effective Date of Amendments: February 1, 2004
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 19, 2003; 27 Ill. Reg. 14675
- 10) Has JCAR issued a Statement of Objection to these amendments? 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? There were no agreements.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: Monkeypox, plague and tularemia are being added to the lists of reportable diseases and contagious or infectious diseases.

All citations to the *Code of Federal Regulations* are being updated to the 2003 edition.

The organism detection test will be accepted at any level of testing for the Voluntary Paratuberculosis (Johne's Disease) Certification Program.

Entry permits will now be required for all animals entering Illinois for the purpose of livestock production or exhibition. Entry permits are currently required for swine, cervids and certain types of cattle and goats. Permits will now be required for horses, all cattle, bison, sheep, goats, llamas and alpacas entering the state in addition to the other animals that are required to have entry permits.

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

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

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

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
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PART 85
DISEASED ANIMALS

Section	
85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies – Additional Requirements on Cattle from Certain Designated Areas
85.80	Sheep and Goats
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets, Recognized Slaughtering Centers, or Marketing Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites
85.130	Vesicular Stomatitis

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- 85.135 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program
- 85.140 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program
- 85.145 Johne's Disease Positive Animals
- 85.150 Importation of Animals; Permit Required

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7862, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective January 10, 2000; amended at 24 Ill. Reg. 16612, effective November 1, 2000; amended at 26 Ill. Reg. 76, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 6846, effective April 19, 2002, for a maximum of 150 days; emergency expired September 15, 2002; amended at 26 Ill. Reg. 18245, effective December 6, 2002; emergency amendment at 27 Ill. Reg. 9638, effective June 10, 2003, for a maximum of 150 days; emergency expired November 6, 2003; amended at 28 Ill. Reg. 2086, effective February 1, 2004.

Section 85.5 Definitions

Definitions for the rules of this Part are located in the general definitions Section (8 Ill. Adm.

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Code 20.1) and apply to the rules of this Part. The following definitions shall also apply to the rules of this Part:

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture (9 CFR 160, 161 and 162; ~~20032001~~).

"Exposed to" means an animal that has come in contact with another animal or an environment that is capable of transmitting a contagious, infectious or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to Johne's disease. Animals more than two years of age originating from a herd where Johne's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement. No restrictions or tests are required for animals under two years of age. An exemption to the "exposed to" language will be granted to animals originating from a herd that is enrolled in the Voluntary Johne's Disease Risk Management Program. Participating herds will no longer be restricted.

"Recognized slaughtering center" means an establishment where slaughtering is conducted under Federal or State inspection.

(Source: Amended at 28 Ill. Reg. 2086, effective February 1, 2004)

Section 85.10 Reportable Diseases

- a) Suspected cases of the following diseases shall be reported immediately to the Department:

anthrax
avian influenza
bluetongue
brucellosis – bovine, swine, equine, and caprine
chronic wasting disease (CWD) – cervids
contagious equine metritis (CEM)
equine infectious anemia (EIA)
equine viral encephalitides

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fowl typhoid
hog cholera
infectious encephalomyelitis – avian
infectious laryngotracheitis
monkeypox
Mycoplasma gallisepticum – turkeys
Mycoplasma synoviae – turkeys
Newcastle disease
paramyxovirus infection
paratuberculosis – (Johne's disease)
piroplasmiasis
plague
pseudorabies – (Aujeszky's disease)
psittacosis - (ornithosis)
pullorum disease
Q fever
rabies
salmonella enteritidis – poultry
salmonella typhimurium – poultry
scabies – cattle and sheep
scrapie
transmissible spongiform encephalopathy (TSE)
trichinellosis
tuberculosis – bovine
tularemia
vesicular conditions of any type
West Nile Virus
any contagious or infectious disease presently considered as "exotic", i.e., not known to exist in the United States

- b) Any herd owner, flock owner, veterinarian or other person having knowledge of the disease, failing to report a suspect case of any of the above diseases immediately after discovery, or who is responsible for the spread of the disease, shall be subject to penalty as provided by law.
- c) Reports of any of the above diseases shall be made to the Department, telephone 217/782-4944.

(Source: Amended at 28 Ill. Reg. 2086, effective February 1, 2004)

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Section 85.12 Contagious or Infectious Diseases

- a) The Department will designate a disease as contagious or infectious when it is determined that the disease is a threat to the animal industry. A disease will be considered a threat to the animal industry for any of the following reasons:
- 1) is of unknown cause or previously not a recognized disease;
 - 2) can cause interstate or international trade restrictions;
 - 3) is highly communicable to other animals or species;
 - 4) has the potential to produce uncontrollable death loss; or
 - 5) is not endemic in the animal industry.
- b) The following diseases are considered to be contagious or infectious:
- African horse sickness
 - African swine fever
 - akabane
 - anthrax
 - avian influenza
 - bluetongue
 - Borna disease
 - bovine petechial fever
 - brucellosis
 - chronic wasting disease (CWD) – cervids
 - contagious bovine pleuropneumonia
 - contagious equine metritis (CEM)
 - dourine
 - ephemeral fever
 - equine infectious anemia (EIA)
 - equine viral encephalitides
 - epizootic lymphangitis
 - foot and mouth disease
 - fowl typhoid
 - glanders
 - heartwater
 - hemorrhagic septicemia

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hog cholera
horse pox
infectious encephalomyelitis – avian
infectious laryngotracheitis
Japanese B encephalitis
Jembrana disease
louping-ill
lumpy skin disease
monkeypox
Mycoplasma gallisepticum – turkeys
Mycoplasma synoviae – turkeys
Nairobi sheep disease
Newcastle disease
peste des petits – ruminants
paramyxovirus infection – avian
paratuberculosis (Johne's disease)
piroplasmiasis
plague
pseudorabies (Aujeszky's disease)
psittacosis (ornithosis)
pullorum disease
Q fever
rabies
Rift Valley fever
rinderpest
salmonella enteritidis – poultry
salmonella typhimurium – poultry
scabies – cattle and sheep
scrapie
sheep and goat pox
swine vesicular disease
transmissible spongiform encephalopathy (TSE)
trichinellosis
tuberculosis
tularemia
vesicular conditions of any type
vesicular exanthema of swine
Wesselsbron disease
West Nile Virus
any contagious or infectious disease presently considered as "exotic", i.e., not

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known to exist in the United States

(Source: Amended at 28 Ill. Reg. 2086, effective February 1, 2004)

Section 85.15 Truck Cleaning and Disinfection

Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded as prescribed in the Code of Federal Regulations (9 CFR 71.7, 71.10-71.12; ~~20032004~~).

(Source: Amended at 28 Ill. Reg. 2086, effective February 1, 2004)

Section 85.55 Scrapie in Sheep and Goats

- a) No sheep or goats which are known to be from an infected or source flock (9 CFR 79; ~~20032004~~) and no progeny of sheep or goats known to be from an infected or source flock shall be transported or moved into or within the State of Illinois, except as provided in 8 Ill. Adm. Code 40.190(c).
- b) Scrapie monitored herds may be established and maintained in accordance with the Voluntary Scrapie Flock Certification Program Standards.
- c) When a herd has been designated as an infected or source flock, the flock will be placed under quarantine and will remain under quarantine until the flock has been depopulated, enters into the Voluntary Scrapie Flock Certification Program, or develops an approved flock plan (9 CFR 79.1 (~~20032004~~)). No animals will be allowed to move from the quarantined flock except for slaughter or medical treatment or examination.

(Source: Amended at 28 Ill. Reg. 2086, effective February 1, 2004)

Section 85.75 Cattle Scabies – Additional Requirements on Cattle from Certain Designated Areas

- a) A prior permit must be obtained from the Department before cattle, except those consigned direct to slaughter, may enter Illinois from certain designated areas determined to have high incidence of cattle scabies. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.

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- b) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or treated in accordance with the procedures as set forth in 9 CFR 73.12 (~~20032001~~).
- c) Each such animal shall be treated with a solution of approved acaricide and water or other method of treatment approved by the United States Department of Agriculture (9 CFR 73.10 and 73.12; ~~20032001~~).

(Source: Amended at 28 Ill. Reg. 2086, effective February 1, 2004)

Section 85.115 Salmonella enteritidis serotype enteritidis

- a) The United States Department of Agriculture has declared Salmonella enteritidis serotype enteritidis as a communicable disease in poultry. The rules pertaining to Salmonella enteritidis serotype enteritidis located at 9 CFR 82.30-82.36 (~~20032001~~) are hereby adopted for the State of Illinois. The flocks affected by these regulations are those identified in 9 CFR 82.31.
- b) All flocks found to be infected with Salmonella enteritidis serotype enteritidis shall be quarantined. The quarantine shall remain in effect until the flock has been depopulated and premises disinfected as prescribed in 9 CFR 82.32(c) or the entire flock is tested negative for Salmonella enteritidis serotype enteritidis in accordance with the provisions of 9 CFR 82.32(e).
- c) Interstate movement of poultry, eggs, equipment and manure from infected or test flocks shall be as specified in 9 CFR 82.33. Intrastate movement requirements shall be the same as interstate movement requirements.
- d) If a flock is determined to be an infected flock as defined in 9 CFR 82.32(c), the Department shall pay indemnity if State funds are available and all of the following conditions are met:
 - 1) The infected flock is implicated through epidemiological evidence in a human disease outbreak;
 - 2) The flock owner voluntarily agrees to depopulate with appropriate State indemnity;

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- 3) The entire flock which is to be depopulated shall have originated from a flock that is classified "U.S. S. Enteritidis Monitored" for egg type birds and "U.S. S. Enteritidis Clean" for meat type birds under the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145 and 147; ~~20032001~~);
 - 4) The flock owner must have been feeding the infected flock in accordance with the provisions of the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145.23(d); ~~20032001~~);
 - 5) The infected flock shall be slaughtered in accordance with 9 CFR 82.33(b). Proof of kill will be reported to the Department by the meat and poultry inspector of the slaughtering establishment where the infected poultry is slaughtered;
 - 6) The premises has been disinfected in accordance with 9 CFR 82.32(c); and
 - 7) Replacement poultry shall be from flocks that are classified "U.S. S. Enteritidis Monitored" or "U.S. S. Enteritidis Clean" under the National Poultry Improvement Plan and Auxiliary Provisions.
- e) The amount of indemnity paid, based on the availability of State funds, shall be 75 percent of the fair market value and the health thereof at the time of slaughter, minus the salvage value. The following conditions shall be considered when determining the fair market value and health of the infected flock:
- 1) Initial purchase price of each bird;
 - 2) Age of the bird and its egg production capabilities or value for producing progeny; and
 - 3) Feed and veterinary medical production costs as justified by documentation by the flock owner in the form of sales receipts and veterinary bills.
- f) The Department and the infected flock owner must agree upon the value of the poultry destroyed, and in the case as agreement cannot be made, indemnity will not be paid for the flock.

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(Source: Amended at 28 Ill. Reg. 2086, effective February 1, 2004)

Section 85.135 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program

- a) The following definitions shall be applicable to this Section:
- 1) "Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis of its it's using USDA approved methods).
 - 2) "Animal" means cattle, bison, buffalo, goats, llamas, or members of the cervid family.
 - 3) "Cow-side", "pen-side" or "on-site" test means any test approved by the United States Department of Agriculture for *M. avium* paratuberculosis that can be performed in the field by an accredited veterinarian. Veterinarians must receive approval from the Department to use this test, and all results must be reported to the Department within 10 days. The test cannot be performed in a herd participating in the Voluntary Johne's Disease Certification Program.
 - 4) "Herd " means all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.
 - 5) "Positive animal" means an animal infected with *Mycobacterium avium* paratuberculosis, only if *M. avium* paratuberculosis is demonstrated by an organism detection test on tissues or feces of the animal.
 - 6) "M. avium paratuberculosis-detection test " or "organism detection test" means any test sufficiently sensitive and specific for detection of *M. avium* paratuberculosis in fecal samples. Definitions of "sufficiently sensitive and specific" will be on the basis of results of performance of a

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check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (April 2002). Any test approved by the U.S. Department of Agriculture for *M. avium* paratuberculosis organism detection (i.e., fecal culture test for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- 7) "Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to *M. avium* paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (April 2002), as recommended and approved by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the U.S. Department of Agriculture for serum antibody detection (i.e., ELISA for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.
- b) Criteria for herds qualified to enter into the certification program:
- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
 - 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified herds only.
 - 3) A herd assembled with animals originating directly from certified herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired. A negative first-herd test will qualify the newly-assembled herd for the first certification level.
 - 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable types of approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.

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- c) Voluntary Johne's disease herd status for cattle shall be established and maintained in accordance with the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (April 2002) that was approved and adopted by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228), with the exception that the organism detection test will be accepted for testing at any level. Herd owners using either the Fast Track or the Standard Track certification program must sign a herd agreement prior to acceptance into the program.
- d) Criteria for certifying bison, buffalo, goats, llamas or members of the cervid family herds under the Illinois Voluntary Johne's Disease Herd Certification Program.
- 1) The following certification levels will be awarded compliance with certification requirements:
 - Level 1 – herd tested negative after one sampling.
 - Level 2 – herd tested negative after two samplings.
 - Level 3 – herd tested negative after three samplings.
 - Level 4 – herd tested negative after four samplings.
 - Level 5 – herd tested negative after five samplings.
 - Level 5 Monitored – herd tested negative after six or more samplings.
 - 2) Certification requirements:
 - A) For annual certification, all animals 24 months of age and older must be tested.
 - B) Certified herds must be tested every 12 months (+/- 2 months).
 - C) All tests must be performed at an accredited laboratory.
 - D) An organism detection test for *M. avium* paratuberculosis (i.e., fecal culture) must be conducted.
 - E) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian who must verify that the samples were collected from the animals identified on the test documents.

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- F) The owner must certify on an agreement form prescribed by the Department:
- i) At the initial test date, the herd has been in existence for at least one year or was assembled only from herds enrolled in a *M. avium* paratuberculosis program and are at the same or higher level than the herd. Animals purchased from herds participating in *M. avium* paratuberculosis programs outside of Illinois must have that state's program approved by the Director prior to certification.
 - ii) At each test date, all animals in the herd 24 months of age or older were sampled and included in the herd test. A herd can qualify for certification through a split herd testing program. The producer must test all test-eligible animals at least once a year throughout a one year (12 month) period. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.
 - iii) At each test date, a list identifying all animals previously tested but no longer in the herd must be provided to the Department.
 - iv) At each test date, all animals added to the herd since the last herd test were natural additions to (born into) the herd, purchased from participating herds, or were tested at the time of arrival on the premises (see Section 85.135(d)(6)).
 - v) At each test date, with a written statement sent to the Department certifying to the best of his/her knowledge no animal that left the herd tested positive for paratuberculosis or was exhibiting clinical signs of Johne's disease.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
- 4) Handling of animals exhibiting clinical signs:
- A) All animals exhibiting clinical signs of *M. avium* paratuberculosis

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must be tested and isolated from the herd pending the test results. An organism detection test (i.e., fecal culture) must be used on feces from animals exhibiting clinical signs.

- B) A negative result on the *M. avium* paratuberculosis detection test will allow the herd to move to the next certification level.
- 5) Suspension or revocation of herd certification:
- A) Identification of a positive animal using the organism detection test during the certification herd test will result in the loss of certification status. The next negative test will qualify the herd for Level 1 certification.

If a positive animal is detected on any other test for Johne's disease during the current certification period other than by an organism detection test, the herd's certification will be suspended pending a confirmatory organism detection test of that animal.
 - B) Herds not tested within 14 months after the last sampling will lose their certification status. The next negative herd test will qualify the herd for Level 1 certification.
- 6) Herd Additions. Animals purchased from another herd participating in a *M. avium* paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are not participating in a *M. avium* paratuberculosis certification program must be isolated from the other members of the herd until a negative organism detection test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd, and there can be no chance of fecal contamination from the animal.
- 7) Protocol. If an animal sold from a certified herd is identified as positive:
- A) If an animal sold from a certified negative herd is identified as positive by an organism detection test within 16 months after the date of sale, the selling certified herd may, within 120 days after being notified, be required to conduct a herd retest of all eligible animals. Determination of retesting of the herd will be made by the

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Director based upon, but not limited to, the level of certification of the herd, the last negative organism detection test of the herd and the status of the other animals in the purchasing herd, if known.

- B) The selling certified herd will maintain its present certification status pending the results of the herd test or at the determination of the Director based on epidemiological evidence provided by a state or federal veterinarian.
- C) If the herd retest is negative, the herd will maintain its "present" certification status. The herd owner/manager shall then have the option of maintaining his/her present test schedule or rescheduling his/her herd test date so that his/her next herd test is not due until 12 months after the retest.
- D) If a positive animal is identified on this retest, the selling herd will lose its certification status. The next negative herd test will qualify the herd for Level 1 certification.

(Source: Amended at 28 Ill. Reg. 2086, effective February 1, 2004)

Section 85.150 Importation of Animals; Permit Required

- a) All animals entering Illinois for the purpose of livestock production or exhibition must be accompanied by a permit from the Department and an official certificate of veterinary inspection.
- b) The official certificate of veterinary inspection must:
 - 1) Be issued by an accredited veterinarian of the state of origin, by a veterinarian in the employ of the United States Department of Agriculture, or by a licensed veterinarian of the country of origin;
 - 2) Be approved by the animal health official of the state or country of origin;
 - 3) Show that the animals are free from visible evidence of contagious, infectious or communicable diseases; and
 - 4) Show the state or country of origin.

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- c) Permits:
- 1) Permits will be issued by telephoning or writing the Department.
 - 2) An applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination;
 - B) Name and address of consignor; and
 - C) Number and species of animals in shipment.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or this Part; or
 - B) Presence of a disease that might endanger the Illinois livestock industry or pose a threat to public health.

(Source: Added at 28 Ill. Reg. 2086, effective February 1, 2004)

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- 1) Heading of the Part: Animal Disease Laborations Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
110.20	Amend
110.50	Amend
110.60	Amend
110.70	Amend
110.80	Amend
110.90	Amend
110.100	Amend
110.110	Amend
110.120	Amend
110.130	Amend
- 4) Statutory Authority: Animal Disease Laborations Act [510 ILCS 10]
- 5) Effective date of Amendments: February 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 26, 2003; 27 Ill. Reg. 14893
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Non-substantive changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: The laboratory fee schedule is being revised and updated. New tests have been added at the laboratories and fees are being established. Tests that are no longer available are being deleted, and fees are being adjusted to better reflect the cost of the test.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DISEASE LABORATORIES ACT

Section	
110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March, 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606,

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effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at 28 Ill. Reg. 2104, effective February 1, 2004.

Section 110.20 Submitting Specimens

Specimens shall be sent or delivered to the laboratory designated as performing the test. Addresses of the laboratories are as follows:

- a) Animal Disease Laboratory, 9732 Shattuc Road, Centralia, Illinois 62801-9284.
- b) Animal Disease Laboratory, 2100 South Lake Storey Road, P.O. Box 2100X ~~2110X~~, Galesburg, Illinois 61402-2100.
- c) State-Federal Serology Laboratory, P.O. Box 2819, State Fairgrounds, Springfield, Illinois 62708-2819.

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

Section 110.50 Minimum Fees

- a) A minimum ~~accession~~ fee of \$5 per accession shall be charged on all accessions originating from Illinois animals, ~~with the exception of samples for trichinosis testing for which the minimum accession fee is \$1.~~ If such fees for the individual tests exceed the minimum fee, no minimum fee shall be charged. Persons submitting specimens for which there are no charges for the laboratory procedure shall be exempt from the minimum fee.
- b) The necropsy fee is ~~\$65~~ \$50 per accession up to ~~three~~ ~~four~~ animals for all species and cadavers submitted where more than one test is needed, with an additional ~~\$25~~ \$20 for each additional animal. ~~Poultry are exempt from the additional charge for each animal over four.~~ If multiple tissue specimens are submitted where more than one test is needed, the fee is \$50 per accession for up to ~~three~~ ~~four~~ animals with an additional \$20 for each additional animal. The necropsy fee and multiple tissue specimens fee will include ~~up to one a-~~ test in pathology, bacteriology, virology, clinical pathology, microbiology, parasitology and toxicology as indicated by the necropsy. These fees do not include electron microscopy examination, toxicologic screens, water and feed analysis, serology or herd surveys. In cases where only a necropsy is performed without any tests, the fee is \$40 for up to three animals \$35 plus the disposal fee. Upon submission, all carcasses become the property of the State of Illinois, to be disposed of in any

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~~manner consistent with Illinois law. No portion thereof, except the ashes resulting from cremation of the carcass, will be returned to the previous owner. The fee for a cosmetic necropsy for cats and dogs is \$125 (cases where the owner wants the carcass back).~~

- c) ~~Toxicologic Electron microscopy and toxicologic~~ tests (other than a screen for metals and pesticides) shall be performed only after consultation with and with approval from the person who requested the laboratory services at the fees set forth in this Part.
- d) All fees, including the minimum accession and necropsy fee, shall be doubled on all out-of-state owners, unless a specific charge is noted or the sample is referred from another state diagnostic laboratory at which time only the in-state fee will be charged.
- e) Serologic tests on paired, acute and convalescent specimens will be billed as one accession at the fee set forth in this Part. provided they are submitted at the same time and are identified as paired samples.
- f) Accessions submitted as rush priority will be charged at least twice the normal rate. If the cost of complying with the rush exceeds twice the normal charges, additional charges will be applied to cover commodity costs. This charge will apply to the submissions of any individual requesting results faster than the normal laboratory turnaround, including, but not limited to, samples placed ahead of already pending samples, samples run outside of normal schedules, and testing requested on weekends, holidays or after normal laboratory working hours. ~~Accessions submitted as "rush priority" specimens shall be charged at twice the normal rate. This charge shall apply to any submission requesting service at a rate faster than the normal laboratory routine turnaround time for the requested test (e.g., before the regularly scheduled day, before other samples or on days requiring additional personnel time such as weekends or holidays). For cases where there is no in-state fee (i.e., pseudorabies or bovine or swine brucellosis), the fee shall be as for out-of-state samples.~~
- g) The fee for accessions up to ~~three~~ four animals or multiple tissues from up to ~~three~~ four animals for the following work-ups will be as indicated, with an additional ~~\$25~~ \$20 for each additional animal. ~~Poultry are exempt from the additional charge for each additional animal over four.~~

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1)	Porcine Abortion Work-up.....	\$80.00 75.00	C,	G
2)	Bovine Abortion Work-up	80.00 75.00	C,	G
3)	Respiratory or Enteric Diagnostic Work-up	80.00 75.00	C,	G
4)	Equine Abortion Work-up.....	80.00 75.00	C,	G
5)	Ovine Abortion Work-up.....	80.00 75.00	C,	G

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

Section 110.60 Euthanasia Fees

~~Companion animals (pets, equids, camelids) and feral animals will not be accepted alive at any Department laboratory. These animals must be euthanized prior to submission. Livestock (cattle, swine, sheep, goats and poultry) can be accepted alive and will be euthanized following euthanasia guidelines published by the American Veterinary Medical Association. A fee of \$10.00 shall be charged for euthanasia of a companion animal (i.e., household pet) only. Euthanasia will be performed only upon written request of the veterinarian requesting the services, with a release authorizing euthanasia signed by the owner, and only when necessary to perform diagnostic tests.~~

~~If chemical euthanasia is required, a minimum charge of \$10.00 will apply. Aggregate weights will apply when a submission includes multiple animals.~~

~~The following fees apply to livestock accepted at a Department laboratory for euthanasia based on the total weight of the livestock:~~

<u>Weight (in pounds)</u>	<u>With Sedation</u>	<u>Without Sedation</u>
<u>0-100</u>	<u>10.00</u>	<u>10.00</u>
<u>101-200</u>	<u>19.00</u>	<u>15.00</u>
<u>201-300</u>	<u>28.00</u>	<u>20.00</u>
<u>301-400</u>	<u>37.00</u>	<u>25.00</u>
<u>401-500</u>	<u>46.00</u>	<u>30.00</u>

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<u>501-600</u>	<u>55.00</u>	<u>35.00</u>
<u>601-700</u>	<u>64.00</u>	<u>40.00</u>
<u>701-800</u>	<u>73.00</u>	<u>45.00</u>
<u>801-900</u>	<u>82.00</u>	<u>50.00</u>
<u>901-1000</u>	<u>91.00</u>	<u>55.00</u>
<u>Each additional</u>		
<u>Increment of 100</u>	<u>9.00</u>	<u>5.00</u>

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

Section 110.70 Clinical Pathology Fees

The following fees apply to those specimens submitted where a necropsy is not involved; with a minimum total fee of ~~\$5.00~~ \$5:

a) Hematology

1)	Complete Blood Count (RBC, Hb, PCV, Ht , WBC, Diff.).....	13.00	C, G
2)	Erythrocyte	6.00	C, G
3)	Leukocyte	5.00	C, G
4)	Bendixen Key	5.00	C, G
45)	Hemoglobin	6.00	C, G
56)	Hematocrit	6.00	C, G
67)	Differential.....	5.00	C, G
78)	Eosinophil Count – Total.....	5.00	C
9)	Stippling.....	3.00	C, G
840)	Fibrinogen (chemical or refractometric)	7.00	G
		5.00	
11)	Erythrocyte Indices.....	3.00	G
12)	Shorr Stain (canine distemper).....	5.00	C, G
13)	Hemobartonella – Acridine Orange.....	5.00	C
914)	Erythrocyte Parasites – Wright's Giemsa Stain	6.00	C, G
15)	Erythrocyte Sedimentation Rate.....	5.00	C
16)	Blood Compatibility Crossmatch.....	15.00	C

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17)	Pandy (Qualitative Protein).....	3.00	C	
1048)	Bone Marrow Examination <u>and Collection</u>.....	20.00	C, G	
		2.00		
1149)	Microscopic exam, microfilaria <u>Microfilaria, occult</u>.....	15.00	C, G	
12)	Activated Partial Thromboplastin Time (APTT).....	5.00	C	
13)	Prothrombin Time (PT).....	5.00	C	
b)	Urinalysis			
1)	Routine Chemistry and Microscopic Examination.....	9.00	C, G	
2)	Urine Urobilinogen, Qualitative	3.00	G	
23)	Urine Na.....	3.00	C	
34)	Urine K.....	3.00	C	
4)	Urinalysis, dip-stick.....	6.00	C, G	
c)	Enzymology			
1)	<u>Aspartate aminotransferase (AST, SGOT) SGOT (serum glutamic oxalacetic transaminase)</u>	5.00	C	
2)	<u>Alanine aminotransferase (ALT, SGPT) SGPT (serum glutamic pyruvic transaminase)</u>	5.00	C	
3)	<u>Lactic dehydrogenase (LDH) LDH (lactic dehydrogenase)</u>	5.00	C	
4)	Alkaline Phosphatase (<u>AlkPhos</u>).....	5.00	C	
5)	Lipase.....	6.00	C	
6)	Amylase	6.00	C	
7)	Sorbitol dehydrogenase.....	6.00	C	
8)	Arginase.....	6.00	C	

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9)	<u>Creatinine Kinase (CK).....</u>	<u>5.00 C</u>	
10)	<u>Gamma-glutamyl transferase (GGT).....</u>	<u>5.00 C</u>	
11)	<u>Lactic dehydrogenase (LDH).....</u>	<u>5.00 C</u>	
12)	<u>NH₄.....</u>	<u>5.00 C</u>	
13)	<u>Triglycerides.....</u>	<u>5.00 C</u>	
14)	<u>General Profile: ALB, ALKP, ALT, AMYL, CHOL, CREAT, GLU, PHOS, TBIL, TP, BUN.....</u>	<u>25.00 C</u>	
15)	<u>Mini-General Profile: ALB, ALKP, ALT, CREAT, GLU, TP, BUN.....</u>	<u>20.00 C</u>	
16)	<u>Pre-Surgery: ALB, ALKP, ALT, CREAT, GLU, PHOS, TBIL, TP, BUN.....</u>	<u>20.00 C</u>	
17)	<u>Gastric/Intestinal: ALB, CREAT, NH₃, TP, BUN, K, NA, CL.....</u>	<u>20.00 C</u>	
18)	<u>Cardiac: ALB, ALT, AST, CHOL, CK, CREAT, GLU, LDH, TP, BUN, NA, K, CL.....</u>	<u>20.00 C</u>	
19)	<u>Endocrine: ALK, ALT, AMYL, CA, CHOL, CREAT, GLU, LIP, PHAS, TRIG, BUN, NA, K, CL.....</u>	<u>25.00 C</u>	
20)	<u>Hepatic: ALB, ALKP, ALT, GGT, NH₃, TBIL, TP.....</u>	<u>20.00 C</u>	
21)	<u>Lipid: ALB, CHOL, GLU, TP, TRIG.....</u>	<u>15.00 C</u>	
22)	<u>Pancreatic: ALKP, ALT, AMYL, CA, CHOL, GGT, GLU, LIPA, PHOS, TRIG, BUN.....</u>	<u>20.00 C</u>	
23)	<u>Renal: ALB, CA, CREAT, PHOS, TP, BUN (NA, K, CL).....</u>	<u>20.00 C</u>	
d)	Chemistry		
1)	Bilirubin – Total and Direct.....	10.00 C	
	Total Only.....	5.00 C	
	Direct Only.....	5.00 C	

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2)	Electrolytes (Ca, P, Mg, K and Na).....	15.00	C	
3)	Calcium.....	5.00	C, G	
4)	Chloride.....	5.00	C	
5)	Cholesterol, Total.....	5.00	C	
6)	Creatinine.....	5.00	C	
7)	Glucose.....	5.00	C	
8)	Phosphorus.....	5.00	C, G	
9)	Lactic Acid.....	5.00	C	
10)	Potassium.....	5.00	C	
11)	Total Protein (<u>chemical or refractometric</u>).....	5.00	C, G	
12)	Albumin.....	5.00	C	
13)	Sodium.....	5.00	C, G	
14)	Blood Urea Nitrogen.....	5.00	C	
15)	Uric Acid.....	5.00	C	
16)	Zinc.....	5.00	C	
17)	Magnesium.....	5.00	C	
18)	Copper.....	5.00	C	
19)	Iron.....	5.00	C	
e)	Other Tests			
1)	Calculi Analysis, Qualitative.....	10.00	C	
2)	Semen Examination.....	10.00	C, G	
3)	Cytology (<u>per site</u>) Transudate/Exudate Cytology Examination Only	20.00 8.00	C, G	

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Complete (i.e., Count, SG, TP, Sugar, Culture)			
Transudate/Exudate/fluid analysis (cytology, cell count, TP)	20.00	€,	€
	7.00	C	G
4) Spinal Fluid (Cytology, SG, TP).....	10.00	C,	€

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

Section 110.80 Histopathology Fees

a) The following are the fees for histopathology:

1) Biopsy (tissue) <u>(1 IHC stain and/or special histochemical stain)</u>	\$30.00	C,	G
<u>Additional sites each</u>	<u>8.00</u>	<u>C,</u>	<u>G</u>
2) <u>Necropsy Multiple Tissues (per block)</u>	<u>8.00</u>	<u>C,</u>	<u>G</u>
<u>2-5 tissues</u>	<u>40.00</u>	<u>€,</u>	<u>€</u>
<u>6 or more</u>	<u>50.00</u>	<u>€,</u>	<u>€</u>
3) Immunohistochemistry testing <u>(per antigen)</u>	<u>12.00</u>	C,	G
	10.00		
<u>4) Special histochemical stains</u>	<u>8.00</u>	<u>C,</u>	<u>G</u>

b) In the event some specialty testing situation is requested by the person requesting the laboratory services, other fixatives are available. Please consult the respective diagnostic laboratory for the specific fee.

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

Section 110.90 Microbiology Fees

The following are the fees for microbiology (per sample or pool unless otherwise specified):

a) Bacteriology, Mycoplasma and Fungi

1) Aerobic or anaerobic culture without sensitivity testing.....	12.00	C, G
2) Aerobic culture with sensitivity testing	20.00	€,
		€

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23)	Antibiotic sensitivity (per isolate) Clostridium perfringens serotyping by PCR.....	8.00 20.00	C, G
34)	Milk samples for mastitis evaluation per sample.....	3.00	C, G
	1-4 Specimens.....	15.00	C, G
	additional specimens, each at.....	3.00	C, G
	Wisconsin mastitis test.....	2.00	C
	1-10 specimens, each.....	2.00	C
	additional specimens, each at.....	1.00	C
45)	Leptospirosis culture per specimen—6 serotypes.....	12.00	G
	Microtiter test per specimen.....	2.00	C, G
6)	Canine brucellosis—per specimen.....	5.00	C, G
57)	Fluorescent Antibody Test (FA).....	12.00 10.00	C, G
68)	Escherichia coli serotyping.....	3.00	C,
79)	Campylobacter (culture).....	10.00	C, G
810)	Salmonella isolation using (enrichment media, per site or pool).....	8.00	C, G
911)	Hemophilus (culture).....	8.00 3.00	C, G
1012)	Bordetella culture Nasal Swabs—Bordetella.....	8.00 2.00	C, G
1113)	Listeria (cold enrichment culture).....	8.00 6.00	C, G
1214)	Taylorella Haemophilus equigenitalis (CEM).....	12.00 4.00	C, G
1315)	Brachyspira.....	10.00	C, G
	Spirochetes (swine dysentery—Treponema sp.).....	5.00	
1416)	Johne's Bacillus.....	10.00	C, G
	first specimen.....	7.00	C, G
	each additional specimen.....	4.00	C, G

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17)	Prepare and Supply Transport Media (per tube).....	1.00	C, G
<u>1548)</u>	Return culture for bacterin production per organism.....	<u>4.00</u> 2.00	C, G
<u>1649)</u>	Mycology Testing Culture	8.00	C, G
<u>1720)</u>	Microscopic examination (<u>brightfield, darkfield, outside normal procedures</u>).....	3.00	C, <u>G</u>
	<u>Microscopic examination, acid-fast-stained smears</u>	<u>7.00</u>	<u>C, G</u>
<u>1821)</u>	Mycoplasma Testing Culture.....	10.00	C, G
22)	E. Coli or Metritis		
	1-4 specimens	15.00	C, G
	each additional specimen	2.00	C, G
	Serotyping by PCR	20.00	G
<u>1923)</u>	Trichomonas transport media	4.00	C, G
<u>2024)</u>	PCR testing	15.00	G
<u>2125)</u>	Clostridium diffcitate toxin ELISA (<u>per sample or pool</u>).....	<u>22.00</u> 10.00	G
<u>b)</u>	<u>Food safety microbiology</u>		
<u>1)</u>	<u>AGID test, mammalian species ID</u>	<u>10.00</u>	<u>C</u>
<u>2)</u>	<u>Culture, antibiotic residue growth inhibition.....</u>	<u>5.00</u>	<u>C</u>
<u>3)</u>	<u>Culture, bacterial, aerobic, quantitative</u>	<u>10.00</u>	<u>C</u>
<u>4)</u>	<u>Culture, bacterial, aerobic, quantitative, E. coli</u>	<u>10.00</u>	<u>C</u>
<u>5)</u>	<u>Culture, bacterial, anaerobic quantitative</u>	<u>10.00</u>	<u>C</u>
<u>6)</u>	<u>Culture, bacterial, Escherichia coli 0157.....</u>	<u>10.00</u>	<u>C</u>
<u>7)</u>	<u>Enzyme-linked FA test, Escherichia coli.....</u>	<u>10.00</u>	<u>C</u>
<u>8)</u>	<u>Enzyme-linked FA test, Listeria</u>	<u>10.00</u>	<u>C</u>

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	<u>9) Enzyme-linked FA test, Salmonella (HACCP)</u>	<u>10.00</u>	<u>C</u>	
	<u>10) Enzyme-linked FA test, staphylococcus enterotoxins ...</u>	<u>10.00</u>	<u>C</u>	
<u>c)</u>	<u>Water safety microbiology</u>			
	<u>1) Water Potability Test – Municipal – Total & Fecal coliform.....</u>	<u>8.00</u>	<u>C</u>	
	<u>2) Water Potability Test – Private – Nitrate, coliform, Enterococcus, Fecal coliform.....</u>	<u>10.00</u>	<u>C</u>	
	<u>3) Water Potability – Nitrate, coliform, Enterococcus, Fecal coliform and Bacti ID.....</u>	<u>20.00</u>	<u>C</u>	
	<u>4) Culture, aerobic quantitative, MMO-MUG, Enterococcus</u>	<u>4.00</u>	<u>C</u>	
	<u>5) Culture, aerobic, MMO-MUG, coliforms</u>	<u>4.00</u>	<u>C</u>	
	<u>6) Culture, aerobic, MMO-MUG, E. coli.....</u>	<u>4.00</u>	<u>C</u>	
	<u>7) Culture, aerobic, quantitative, total coliforms</u>	<u>4.00</u>	<u>C</u>	
	<u>8) Culture, bacterial, aerobic, quantitative</u>	<u>4.00</u>	<u>C</u>	
	<u>9) Culture, bacterial, aerobic, quantitative, E. coli.....</u>	<u>4.00</u>	<u>C</u>	
	<u>10) Culture, bacterial, denitrifying bacteria, quantitative ...</u>	<u>5.00</u>	<u>C</u>	
	<u>11) Culture, bacterial, iron-reducing bacteria, quantitative.....</u>	<u>5.00</u>	<u>C</u>	
	<u>12) Culture, bacterial, nitrifying bacteria, quantitative</u>	<u>5.00</u>	<u>C</u>	
	<u>13) Culture, bacterial, sulfate-reducing bacteria, quantitative.....</u>	<u>5.00</u>	<u>C</u>	
	<u>14) Culture, filter, pseudomonas</u>	<u>5.00</u>	<u>C</u>	
	<u>15) Culture, viable Helminth ova.....</u>	<u>5.00</u>	<u>C</u>	

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16)	<u>Free chlorine, colorimetric.....</u>	<u>5.00</u>	<u>C</u>	
17)	<u>Microscopic exam.....</u>	<u>3.00</u>	<u>C</u>	
18)	<u>Nitrate, colorimetric.....</u>	<u>3.00</u>	<u>C</u>	
d)	<u>Bacterial serology</u>			
1)	<u>Actinobacillus pleuropneumonia (APP, serotypes 1,3,5,7).....</u>	<u>4.00</u>	<u>G</u>	
2)	<u>Brucella abortus (BAPA, card, std place).....</u>	<u>N/C</u>	<u>G, S</u>	
3)	<u>Brucella abortus (std tube).....</u>	<u>N/C</u>	<u>G</u>	
4)	<u>Brucella canis card test.....</u>	<u>6.00</u>	<u>G</u>	
5)	<u>Brucella abortus RAP.....</u>	<u>N/C</u>	<u>G</u>	
6)	<u>Brucella abortus rivanol.....</u>	<u>N/C</u>	<u>G</u>	
7)	<u>Brucella abortus (BAPA, card, std plate: out-of-state).....</u>	<u>1.00</u>	<u>G, S</u>	
8)	<u>Brucella abortus (species other than bovine, porcine and canine).....</u>	<u>1.00</u>	<u>G, S</u>	
9)	<u>Leptospirosis (microtiter agglutination, 6 serotypes, per sample).....</u>	<u>12.00</u>		
10)	<u>Mycoplasma hypopneumoniae.....</u>	<u>3.00</u>	<u>G</u>	
11)	<u>Mycoplasma synoviae, M. gallisepticum, M. meleagridis (not done separately).....</u>	<u>N/C</u>	<u>G</u>	
12)	<u>Salmonella typhumurium.....</u>	<u>N/C</u>	<u>G</u>	
13)	<u>Salmonella pullorum.....</u>	<u>N/C</u>	<u>G</u>	
14)	<u>Salmonella tissue juice ELISA.....</u>	<u>5.00</u>		
eb)	<u>Virology</u>			

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1)	Electron Microscopy – fecal.....	15.00	G
2)	Pseudorabies Serology (<u>AutoLex or ELISA</u> positive or negative).....	3.00	C, G
	Pseudorabies Serology Out-of-State.....	3.00	C, G
	Pseudorabies Serology (positive or negative) and end titer	3.00	C, G
	Pseudorabies Serology (request for screen at dilution of 1:2, <u>SN</u>)	3.00	C, G
	Pseudorabies (<u>Latex</u>) Rush	3.00	C, G
	Pseudorabies ELISA <u>or AutoLex</u> , Screen Out-of- State	1.50	C, G
	Pseudorabies Latex Agglutination Out-of-State.....	1.50 3.00	C, G C, G
	Pseudorabies G1 ELISA Out-of State	1.75	C, G
3)	Fluorescent Antibody Test each disease—food animal	12.00 10.00	C, G
	Fluorescent Antibody Test each disease—non-food animal	15.00	C, G
4)	Rabies.....	12.00 10.00	C, G
5)	Virus Isolation (<u>per virus</u>) in Cell Culture	15.00	C, G
	1 specimen	15.00	C, G
	Each additional specimen	10.00	C, G
6)	<u>Unlisted</u> Viral Serology (each disease) <u>per sample</u>	3.00	C, G
	1-5 specimens, each	3.00	C, G
	Each additional specimen	1.00	C, G
7)	Feline Leukemia Virus (<u>FeLV</u>) and Feline <u>Immunodeficiency Virus (FIV)</u>	15.00 11.00	C
8)	Feline Infectious Peritonitis (F.I.P.).....	8.00	C
9)	Canine <u>parvovirus</u> parvo-virus (ELISA) fecal.....	5.00	C, G
10)	Canine <u>parvovirus</u> parvo-virus serum	5.00	C

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11)	Canine distemper on serum.....	5.00	C
12)	Rotavirus, ELISA (feces) Rota-virus on fecal	10.00	C
13)	Semen testing (export)	10.00	C
14)	Swine enterovirus (8 serotypes).....	12.00	C
15)	FeLV Feline Leukemia Virus only - FeLT	10.00 15.00	C
16)	Porcine fetal fluid IgG	3.00	G
16+7)	Feline Immunodeficiency Virus (FIV) lentivirus (FeLT).....	10.00	C
17+8)	Encephalomyocarditis (per sample).....	3.00	G
	1-5 specimens, each	3.00	C, G
	Each additional specimen	1.00	C, G
18+9)	PRRS (screening 1:20, IFA)	3.00	C, G
		2.00	
	PRRS ELISA	4.00	C, G
	PCR/PRRS	15.00	G
		10.00	
	PRRS IFA US strain	4.00	G
	PRRS IFA, Lelystad	4.00	G
19+20)	Bovine virus diarrhea, P1, immunohistochemistry (Ear notches) (per block of 5) AI Screen by IHL, skin.....	15.00	C, G
	1-5 animals each	15.00	C, G
	Each additional specimen	3.00	C, G
20)	TGE/PRCV Differential ELISA (per specimen)	4.00	C, G
21)	BVD P1 Serum Antigen Capture ELISA	5.00	C
fe)	Chlamydia Isolation in Cell Culture	15.00	C, G
gd)	Miscellaneous serology		
1)	Toxoplasmosis	5.00	C

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	first sample	5.00 €	
	Each additional sample	2.50 €	
2)	EIA-AGID.....	2.50	C, S
	EIA-CELISA.....	10.00	C, S
3)	Mare Immunological Pregnancy Test 35-60 days post-service	15.00	C
4)	Aleutian Disease – Mink (immunoelectrophoresis)20	S
5)	Out-of-State brucellosis serology50	C, G, S
6)	Brucellosis testing other than bovine, porcine and canine50	C, G, S
	Brucella canis slide assay	6.00	C, G
57)	Bluetongue	3.50	C
	1-5 specimens, each	3.00	C
	Each additional specimen	2.00	C
	Each additional specimen	1.00	C, S
68)	Bovine leukemia virus (BLV-AGID)	3.50	C, S
	1-5 specimens, each	3.00	C, S
	Each additional specimen	1.00	C, S
79)	Vesicular stomatitis	3.50	C
	1-5 samples each	3.00	C
	Each additional sample	2.00	C
810)	Complement Fixation Serology	3.50	C
	1-5 specimens, each	3.00	C
	Each additional specimen	1.00	C
	Note: The Complement Fixation Serology tests include testing for anaplasmosis, Johne's and chlamydia.		
911)	Johne's ELISA	10.00	C
	1-10 specimens, each	10.00	C
	11 or more specimens, each	5.00	C
12)	Actinobacillus pleuropneumoniae per serotype APP)	2.00	G

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13)	Mycoplasma hyopneumoniae	3.00	G
1014)	Caprine Arthritis Encephalitis (CAE) and OPP	3.50 C, G	
	first specimen	3.00 C, G	
	each additional specimen	1.00 C, G	
1145)	Bovine leukemia virus ELISA	5.00 C	
	1-5 specimens, each	5.00 C	
	each additional specimen	3.00 C	
16)	Dirofilaria immitis	10.00 C, G	
12)	Serology Spin Charge (per specimen)	1.00 C, G	
13)	Anaplasmosis ELISA	10.00 C	
14)	Anaplasmosis CF	3.50 C	
15)	West Nile IgM Capture	15.00 C	
16)	Blastomycosis AGID	10.00 C	

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

Section 110.100 Parasitology Fees

The following are the fees for parasitology:

a)	Morphologic examination – ecto and endoparasites.....	10.00 6.00	C,	G
b)	Baermann or Digestion	5.00		G
c)	Trichomonas foetus (Venereal trichomoniasis in cattle) per sample Examination and culture of vaginal washings (including carrier media)	10.00	C,	G
	1-4 specimens	10.00	C,	G
	Additional specimens, each	2.00	C,	G
d)	Occult Dirofilaria serology (ELISA)	8.00	C	
e)	Tissue Digestion Procedure (trichina)10	C	

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f) Helminth ova in sludge.....	5.00	C	
g) Cryptosporidia ELISA (<u>feces</u>).....	15.00	C	
h) Giardia/Cryptosporidia FA (<u>feces</u>).....	<u>12.00</u> 10.00		G

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

Section 110.110 Toxicology Fees

- a) A maximum charge of \$100 shall be assessed Illinois residents for cases involving domestic livestock. There is no maximum charge for out-of-state residents.
- b) Toxicology Work-up:
Maximum \$50 per animal or \$100 per herd (Illinois animals).
- c) Metals
- | | | |
|---|------------------|--------------|
| 1) Arsenic or Selenium, <u>each</u> | <u>25.00</u> | <u>C</u> |
| 1-3 specimens, each | 25.00 | € |
| each additional specimen | 10.00 | € |
| 2) Lead, Copper, Zinc, Thallium, Calcium, Sodium,
Magnesium, Potassium, Iron, Chromium, Cobalt,
Nickel, or Manganese, <u>each</u> | <u>10.00</u> | <u>C</u> |
| 1-3 specimens, each | 8.00 | € |
| each additional specimen | 5.00 | € |
| 3) Cadmium, Molybdenum and Mercury, <u>each</u> | <u>12.00</u> | <u>C</u> |
| 1-3 specimens, each | 10.00 | € |
| each additional specimen | 6.00 | € |
- d) Insecticide Screen
- | | | |
|---|----------------------------------|---|
| 1) Organochlorines, organophosphates..... | <u>60.00</u>
45.00 | C |
| 2) Carbamates..... | <u>50.00</u>
45.00 | C |

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3)	Individual insecticide.....	25.00 20.00	C	
4)	Ivermectin:			
	Blood.....	25.00	C	
	Tissue.....	50.00	C	
e)	Herbicides			
1)	Phenoxy compounds screen.....	60.00 50.00	C	
2)	Individual analysis of any herbicide from screen	25.00 20.00	C	
3)	Herbicide screen (heterocyclic nitrogen derivatives, dintroanilines, urea, carbamate and anilide compounds).....	60.00 50.00	C	
4)	Imidazole compounds	60.00 50.00	C	
5)	Individual compounds requiring derivitization	30.00	C	
f)	Rodenticides			
1)	Anticoagulant screen.....	50.00	C	
2)	Zinc Phosphide	20.00 10.00	C	
3)	Strychnine and other alkaloids.....	15.00 10.00	C	
4)	Yellow Phosphorus	5.00	C	
45)	Individual anticoagulant	25.00 20.00	C	
g)	Mycotoxins			
1)	Screen (aflatoxins, T-2, DAS, Vomitoxin, Zearalenone)	60.00	C	

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2)	Milk or urine aflatoxin.....	25.00 20.00	C	
3)	Ochratoxin	30.00	C	
4)	Citrinin.....	30.00	C	
5)	Individual analysis of any mycotoxin from screen.....	25.00 20.00	C	
6)	Cyclopiazonic acid (CPA).....	30.00	C	
7)	Blacklight for <i>Aspergillus flavus</i>	5.00 2.00	C	
8)	Endophyte testing			
	Staining	12.50	C	
	Grow-out.....	15.00	C	
h)	Miscellaneous Analysis			
1)	Feed microscopy.....	15.00	C	
2)	Nitrate:			
	Ground Materials			
	first specimen.....	10.00	C	
	each additional specimen.....	4.00	C	
	Forages			
	first specimen.....	12.00	C	
	each additional specimen.....	9.00	C	
	In On Vitreous humor	10.00	C	
3)	Cyanide	10.00	C	
	Cyanide (screen – picric acid)	10.00	C	
4)	Ammonia (Urea Toxicosis).....	15.00	C	
	first specimen.....	15.00	C	
	each additional specimen.....	5.00	C	
5)	Carboxyhemoglobin, Methemoglobin, Sulfahemoglobin			
	first specimen.....	15.00	C	
	each additional specimen.....	5.00	C	

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6)	Sulfate	5.00	C
7)	Creosote, Petroleum Products.....	<u>50.00</u>	C
8)	pH.....	<u>3.00</u> 4.00	C
9)	Urea.....	<u>15.00</u>	C
10)	Total chlorides, feeds or water.....	5.00	C
11)	Monensin or other ionophore (each).....	<u>40.00</u>	C
12)	Water chlorine.....	5.00	C
13)	Water nitrate, nitrite (each).....	5.00	C
14)	Water hydrogen sulfide.....	5.00	C
15)	Water hardness.....	5.00	C
16)	Pentachlorophenol <u>Pentachlorophenol</u> (PCP or Penta)	<u>40.00</u>	C
17)	Bone – Percent Ash, Ca, PO ₄	<u>25.00</u>	C
18)	Ca, PO ₄ (in feed).....	<u>20.00</u>	C
19)	Ergot alkaloids	15.00	€
<u>1920)</u>	Antibiotics in feed (each).....	15.00	C
21)	Vitamin Analysis (each)	10.00	€
<u>2022)</u>	Feed Quality Analysis.....	<u>38.50</u>	C
<u>2123)</u>	Protein and moisture analysis	7.50	C
<u>2224)</u>	Gas chromatographic/mass spectrophotometric analysis (each sample).....	50.00	C
<u>2325)</u>	Cholinesterase:		
	Blood.....	<u>10.00</u>	<u>C</u>
	first specimen	10.00	€
	each additional specimen	5.00	€
	Brain.....	<u>15.00</u>	<u>C</u>
	first specimen	15.00	€

DEPARTMENT OF AGRICULTURE

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each additional specimen	10.00	€	
2426) Drug screen	30.00	C	
2527) Sulfa residue (each sulfa drug)	5.00	C	
2628) Water quality screen (CH, OP, Carbamates, Herbicides, Lead)	100.00	C	
2729) Total dissolved solids (Water)	5.00	C	
2830) Specific gravity (Water)	5.00	C	
2934) Polychlorinated biphenyls (PCB)	50.00	C	
32) Sugar analysis (each)	20.00	€	
3033) Ethylene glycol	20.00	C	
3134) Fiber	5.00	C	
3235) Feed particle size	5.00	C	
3336) Total suspended solids	5.00	C	

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

Section 110.120 Miscellaneous Fees

a)	Swine health checks at slaughter facilities:			
	Market swine health check per head with a minimum of 10 head	5.00		
	(Contact the Galesburg laboratory for information)			
b)	Water potability test (Coliform and Enterococcus—Millipore Method and Nitrates)	8.00	€	
ae)	Return of shipping container	<u>actual</u>	C, G, S	
		<u>shipping</u>		
		<u>cost</u>		
		<u>current</u>		
		<u>postal rate</u>		

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<u>bd)</u>	Field trip by Department laboratory personnel to take specimens.....	150.00 60.00	C, G
<u>ce)</u>	Cremation		
	up to under 50 pounds.....	50.00	G
	51 50 pounds and above, each additional pound	1.00	G
<u>df)</u>	Handling fee for sending specimens to out-of-state laboratories.....	5.00	C, G, S
	Non-refrigeratedactual shipping cost plu	2.50	C, G, S
	Refrigeratedactual shipping cost plu	2.50	C, G, S
	Dry iceactual shipping cost plu	10.00	C, G, S
<u>eg)</u>	Disposal Fee: (when lab tests have not been conducted, a disposal fee will be charged in addition to any cremation costs).....	0.15 per pound, minimum 10.00	C, G
	under 50 pounds	5.00	C, G, S
	50 pounds to 100 pounds	10.00	C, G, S
	100-400 pounds	17.00	C, G
	over 400 pounds	30.00	C, G
<u>h)</u>	Overnight shipping	current postal rate	C, G, S
<u>i)</u>	Shipping containers	current market price	C, G, S
<u>ff)</u>	Pullorum antigen per ml	2.00	S
<u>g)</u>	Fax results – EIA results only	5.00	S
	Each additional page	1.00	S
<u>h)</u>	Chronic wasting disease (CWD) killed by hunter in State	45.00	C, G
	CWD killed by hunter out of state	50.00	C, G
	CWD surveillance and not in a CWD surveillance program	45.00	C, G
<u>i)</u>	Laboratory supplies or materials	actual cost	C, G, S

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j) Emergency fee (outside working hours)..... \$50.00 C, G, S

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

Section 110.130 Meats Chemistry Fees

The Department shall not charge any ~~State state~~ agency for any meats chemistry laboratory tests. The following are the fees for meats chemistry laboratory:

a)	Protein	\$8.00 <u>7.00</u>	C
b)	Moisture	6.00 <u>5.00</u>	C
c)	Salt	7.00 <u>6.00</u>	C
d)	Fat.....	10.00 <u>9.00</u>	C
e)	Nitrite (Semi-Quantitative)	9.00 <u>8.00</u>	C
f)	Nitrite (Qualitative).....	7.00 <u>6.00</u>	C
g)	Nonfat Dry Milk.....	9.00 <u>8.00</u>	C
h)	Cereal (Qualitative).....	7.00 <u>6.00</u>	C
i)	Soy Flour (Semi-Quantitative).....	7.00 <u>6.00</u>	C
j)	Sulfite (Qualitative).....	7.00 <u>6.00</u>	C
k)	Ascorbate (Qualitative).....	7.00 <u>6.00</u>	C

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l)	Borate (Qualitative).....	6.00 <u>7.00</u>	C	
m)	Extraneous material.....	5.00 <u>6.00</u>	C	
n)	Nitrite cures/pickles	12.00 <u>13.00</u>	C	
o)	Cereal (Quantitative).....	8.00 <u>9.00</u>	C	
p)	Nitrite (Quantitative).....	12.00 <u>13.00</u>	C	
q)	Protein Fat Free (PFF).....	23.00 <u>24.00</u>	C	
r)	Benzoate (Quantitative)	20.00 <u>21.00</u>	C	
s)	Species	35.00 <u>36.00</u>	C	
t)	Antibiotic residue	15.00 <u>16.00</u>	C	

(Source: Amended at 28 Ill. Reg. 2104, effective February 1, 2004)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
125.10	Amend
125.146	Add
125.340	Amend
- 4) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]
- 5) Effective Date of Amendments: February 1, 2004
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 19, 2003; 27 Ill. Reg. 14055
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Non-substantive changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: In order to maintain an "equal to" status with the federal meat and poultry products inspection programs as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments of the federal meat and poultry products inspection rules as published at 66 FR 1750, January 9, 2001.

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FSIS is issuing regulations to limit the amount of water retained by raw, single-ingredient meat and poultry products as a result of post-evisceration processing, such as carcass washing and chilling. Raw livestock and poultry carcasses and parts will not be permitted to retain water resulting from post-evisceration processing unless the establishment preparing those carcasses and parts demonstrates to FSIS, with data collected in accordance with a written protocol, that any water retained in the carcasses and parts is an inevitable consequence of the process used to meet applicable food safety requirements.

In addition, the establishment will be required to disclose on the labeling of the meat or poultry products the maximum percentage of retained water in the raw product. The required labeling statement will help consumers of raw meat and poultry products to make informed purchasing decisions. Establishments having data demonstrating that there is no retained water in their products can choose not to label the products with the retained-water statement or to make a no-retained-water claim on the product label.

FSIS suspended until January 9, 2003 the above regulations that limit water retained by raw meat and poultry products from post-evisceration processing to the amount that is unavoidable in meeting applicable food safety requirements and that require labeling for the amount of water retained. The original effective date of these final regulations was January 9, 2002. FSIS decided that a one-year suspension of the regulation allowed the meat and poultry industry sufficient time to complete necessary experimentation, including microbial testing and chilling system trials under FSIS-accepted data collection protocols. This suspension of regulation appears at 67 FR 1277 (effective January 9, 2003 and published in the January 10, 2002 *Federal Register*).

FSIS is also revising the poultry chilling regulations to improve consistency with the Pathogen Reduction/Hazard Analysis and Critical Control Points (PR/HACCP) regulations, eliminate “command and control” features, and reflect current technological capabilities and good manufacturing practices.

This rulemaking also contains corrections to the final rule “Retained Water in Raw Meat and Poultry Products; Poultry Chilling Requirements”, which was published on January 9, 2001 in the *Federal Register* (66 FR 1750) and effective January 9, 2002. As published, the final rule contained inadvertent paragraph designation and other errors in the amended regulatory text and in corresponding preamble references to the regulatory amendments in 9 CFR 381. One such error affected the regulation preventing poultry with fecal contamination from entering the chiller. FSIS is also adding a cross-reference to a provision on the sources of ice and water used for chilling to ensure that the regulations on this subject are read consistently. These corrections appear at 66 FR 19713 (effective January 9, 2002 and published in the April 17, 2001 *Federal Register*).

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

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

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

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
<u>125.146</u>	<u>Consumer Protection Standards: Raw Products</u>

SUBPART B: MEAT INSPECTION

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

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

SUBPART C: POULTRY INSPECTION

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

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

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment

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at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective

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September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 13, 2003, for a maximum of 150 days; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November

DEPARTMENT OF AGRICULTURE

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1, 2003; peremptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004.

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section 125.10 Definitions

- a) Terms shall be as defined in 9 CFR 301, 303.1(d)(2), (ii), (iii) (a), (b), (d), (e) and (f), (iv), (v) and (vi), 381.1, 381.10(d)(2), (ii), (iii)(a), (b), (d), (iv), (v) and (vi), 352.1(b) through (t) and 362.1 (1997; 64 FR 732, effective March 8, 1999; 64 FR 56400 and 65 FR 2283, effective January 25, 2000; [66 FR 1750 and 66 FR 19713, effective January 9, 2002](#); 66 FR 22899, effective April 26, 2001; 67 FR 13253, effective April 22, 2002), unless they are otherwise defined in the Meat and Poultry Inspection Act [225 ILCS 650] or in this Section as follows:

"Act" means the Meat and Poultry Inspection Act [225 ILCS 650].

"Approved veterinarian" means any person who has graduated from a veterinary college that is recognized by the American Veterinary Medical Association.

"Birds" shall mean poultry as defined in Section 2.7 of the Act.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product made from rabbits or the processing, handling, or packaging which may affect the wholesomeness of such product.

"Livestock" means cattle, sheep, swine, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and goats.

"Members of the household" means those persons who occupy a single family unit.

- b) With regard to the definitions of consumer and similar type establishment, the Director has not designated any other type of establishment or institution under these terms other than those specifically stated in the incorporated language.
- c) With regard to the definitions of retail store, only those sections which are

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

incorporated by reference as stated in Section 125.10(a) shall be included in the definition. References within the incorporated language to the section of the federal rules pertaining to operations of types traditionally and usually conducted at retail stores and restaurants refer to the operations defined in Section 5(A) of the Act. No product exempted from inspection in accordance with Section 5 of the Act shall be prepared in any retail store, restaurant or similar retail-type establishment.

- d) References in the incorporated language to 9 CFR 312 and 313 shall be interpreted as references to Sections 125.90 and 125.220 respectively. References to the Humane Methods and Slaughter Act of 1978 shall mean as set forth in Section 125.220.

(Source: Amended at 28 Ill. Reg. 2131, effective February 1, 2004)

Section 125.146 Consumer Protection Standards: Raw Products

The Department incorporates by reference 9 CFR 441 (2001).

(Source: Added at 28 Ill. Reg. 2131, effective February 1, 2004)

SUBPART C: POULTRY INSPECTION

Section 125.340 Operating Procedures

- a) The Department incorporates by reference 9 CFR 381.65 through 381.67 (1997); 62 FR 5139, effective May 5, 1997; 63 FR 48958, effective November 10, 1998; 66 FR 1750 and 66 FR 19713, effective January 9, 2002; 66 FR 22899, effective April 26, 2001).
- b) The bar-cut method of evisceration shall not be used.
- c) Cut-up poultry may be processed from unchilled eviscerated poultry only in airconditioned~~air-conditioned~~ rooms (50 degrees F. or less).
- d) The meltage of ice in the chilling system shall be counted toward the minimum fresh water intake requirements provided an accurate measurement of the amount of melted ice can be obtained.
- e) Reference to the Poultry Inspector's Handbook shall mean the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

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- f) The Department shall approve the shipment of poultry in operational type containers, such as chill tanks or lugs, from one official establishment to another official establishment for further processing provided the means of conveyance is sealed and the poultry can reach its destination in accordance with the general chilling requirements as stated in this Section (see 9 CFR 381.66(b)).
- g) Ready-to-cook poultry shall be permitted to be moved from an official establishment prior to freezing in accordance with the specific requirements as stated in 9 CFR 381.66(f)(3).
- h) Compounds used in immersion or spray freezing procedures shall be those that are listed in the "List of Proprietary Substances or Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Amended at 28 Ill. Reg. 2131, effective February 1, 2004)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Real Estate License Act of 2000
- 2) Code Citation: 68 Ill. Adm. Code 1450
- 3) Section Numbers: Adopted Action:
1450.95 Amendment
1450.276 Amendment
- 4) Statutory Authority: Implementing and authorized by the Real Estate License Act of 2000 [225 ILCS 454].
- 5) Effective Date of Rulemaking: January 22, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Office of Banks and Real Estate's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: 27 Ill. Reg. 15668 on October 10, 2003.
- 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? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking amends and increases Real Estate License fees. This rulemaking increases, by \$25, the annual renewal and initial application fees for real estate brokers, offices, salespersons, leasing agents, schools, instructors, and courses. The rulemaking also clarifies the rule establishing pre-license

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

examination. The rulemaking is necessary to implement the budget for the 2004 State Fiscal Year.

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

Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-6167

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450
REAL ESTATE LICENSE ACT OF 2000

SUBPART A: DEFINITIONS

Section
1450.10 Definitions

SUBPART B: LEASING AGENT RULES

Section

1450.15 Leasing Agent General Provisions
1450.20 Leasing Agent Examination Requirement
1450.25 Sponsor Card for Leasing Agents
1450.30 Issuance of Leasing Agent License
1450.35 Termination of Employment of Leasing Agent
1450.40 120 Day Leasing Agent Permit
1450.50 Continuing Education Requirement for Leasing Agents
1450.55 Approved Courses, Schools and Instructors for Leasing Agents

SUBPART C: LICENSING AND EDUCATION

Section

1450.60 Educational Requirements to Obtain a Broker's or Salesperson's License
1450.65 Salesperson and Broker Examinations
1450.70 Applications for Salesperson's and Broker's Licenses by Examination
1450.75 Sponsor Cards for Brokers and Salespersons
1450.80 Branch Offices
1450.85 Corporations, Limited Liability Companies, Partnerships, and Limited Partnerships
1450.90 Assumed Name
1450.95 Fees
1450.100 Nonresident Licensure by Reciprocity
1450.105 Renewals
1450.110 Change of Information
1450.115 Continuing Education

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1450.130 Supervision
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1450.160 Employment Agreements
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	Managing Brokers
1450.245	Inspections and Audits
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Section

1450.270	Definition of Schools and School Branch (Repealed)
1450.275	Pre-License Schools
1450.276	Curriculum for Pre-License Schools
1450.277	Expiration Date and Renewal Period for Pre-License Schools
1450.278	Pre-License Instructors
1450.280	Expiration Date and Renewal Period for Pre-License Instructors
1450.285	Continuing Education Schools
1450.286	Curriculum for Continuing Education Schools and Course Registration Process
1450.287	Expiration Date and Renewal Period for Continuing Education Schools
1450.288	Continuing Education Instructors
1450.290	Expiration Date and Renewal Period for Continuing Education Instructors
1450.295	Distance Education Courses
1450.300	Class Attendance Requirements (Repealed)
1450.305	Recruitment at Test Center
1450.310	Withdrawal of Approval of Schools (Repealed)
1450.315	Discipline of Schools or Instructors

SUBPART H: GRANTING VARIANCES

Section

1450.320	Granting Variances
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SUBPART J: TRANSITION RULES

Section

1450.325	Salesperson Applicants – Transition Provisions
1450.330	Broker Applicants – Transition Provisions

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- 1450.335 Continuing Education – Transition Provisions
1450.340 Education License Renewals – Transition Provisions

AUTHORITY: Implementing the Real Estate License Act of 2000 [225 ILCS 454] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (General Rules), effective December 4, 1974; Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (School Rules), effective July 29, 1974; amended at 3 Ill. Reg. 885, effective February 2, 1979; amended at 4 Ill. Reg. 195, effective August 12, 1980; amended at 5 Ill. Reg. 5343, effective May 6, 1981; amended at 5 Ill. Reg. 8541, effective August 10, 1981; codified at 5 Ill. Reg. 11064; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2406, effective February 3, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8221, effective July 1, 1982; amended at 9 Ill. Reg. 341, effective January 3, 1985; transferred from Chapter I, 68 Ill. Adm. Code 450 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1450 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2977; amended at 12 Ill. Reg. 8036, effective April 26, 1988; amended at 15 Ill. Reg. 10416, effective July 1, 1991; amended at 16 Ill. Reg. 3204, effective February 14, 1992; emergency amendment at 19 Ill. Reg. 12003, effective August 8, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16623, effective December 1, 1995; amended at 20 Ill. Reg. 6492, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 3602, effective March 7, 1997; amended at 21 Ill. Reg. 8350, effective June 30, 1997; old Part repealed and new Part adopted by emergency rulemaking at 24 Ill. Reg. 704, effective January 1, 2000, for a maximum of 150 days; old Part repealed and new Part adopted at 24 Ill. Reg. 8263, effective May 30, 2000; amended at 27 Ill. Reg. 12018, effective July 9, 2003; amended at 28 Ill. Reg. 2141, effective January 22, 2004.

SUBPART C: LICENSING AND EDUCATION

Section 1450.95 Fees

- a) License of a Leasing Agent.
 - 1) The application fee for an initial leasing agent license shall be ~~\$75~~\$50.
 - 2) The application fee to renew a leasing agent license shall be ~~\$25~~\$50-per

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year.

3) The late renewal fee for leasing agent licenses renewed after the expiration date of the license shall be \$50.

4) The fee for issuing a 120 day leasing agent permit shall be \$25.

b) License of Real Estate Salesperson.

1) The fee for an initial license as a salesperson is ~~\$125-\$100~~. The fee must accompany the application to determine the applicant's fitness to receive a license.

2) The fee for renewal of a salesperson's license which has not expired shall be calculated at the rate of ~~\$50 \$25~~ per year.

3) The fee for the renewal of a salesperson's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus \$50.

c) License of Broker.

1) The fee for an initial license as a broker is ~~\$125-\$100~~. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a broker's license which has not expired shall be calculated at the rate of ~~\$75 \$50~~ per year.

3) The fee for the renewal of a broker's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus \$50.

d) License of Partnership, Limited Liability Company, or Corporation.

1) The fee for an initial license for a partnership, limited liability company, or corporation is ~~\$125-\$100~~. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a license for a partnership, limited liability

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company, or corporation shall be calculated at the rate of ~~\$75~~ ~~\$50~~ per year.

- 3) The fee for the renewal of a license for a partnership, limited liability company or corporation which has been expired is the sum of all lapsed renewal fees plus \$50.

e) License for Branch Office.

- 1) The fee for an initial license for a branch office is ~~\$125~~ ~~\$100~~. The fee must accompany the application to determine an applicant's fitness to receive a license.
- 2) The fee for the renewal of a branch office license shall be calculated at the rate of ~~\$75~~ ~~\$50~~ per year.
- 3) The fee for the renewal of a branch office license which has been expired is the sum of all lapsed renewal fees plus \$50.

f) Pre-License School, Instructor, and Course Fees.

- 1) The fee for an application for initial approval of a pre-license school is ~~\$1,025~~ ~~\$1,000~~. The fee must accompany the application to determine an applicant's fitness to receive a license.
- 2) The fee for renewal of approval of a pre-license school shall be calculated at the rate of ~~\$525~~ ~~\$500~~ per year.
- 3) The fee for the renewal of approval of a pre-license school which has been expired is the sum of all lapsed renewal fees plus \$50.
- 4) The fee for an application for initial approval of a branch for a pre-license school is ~~\$175~~ ~~\$150~~ per branch. The fee must accompany the application to determine an applicant's fitness to receive approval.
- 5) The fee for renewal of approval of a branch for a pre-license school shall be calculated at the rate of ~~\$125~~ ~~\$100~~ per branch per year.
- 6) The fee for the renewal of approval of a branch for a pre-license school which has been expired is the sum of all lapsed renewal fees plus \$50.

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- 7) The fee for transferring a branch location shall be \$25 per transfer.
 - 8) The fee for application for initial approval of a pre-license instructor is ~~\$125~~ \$100. The fee must accompany the application to determine the applicant's fitness for approval.
 - 9) The fee for renewal of approval of a pre-license instructor shall be calculated at the rate of ~~\$125~~ \$100 per year.
 - 10) The fee for the renewal of approval of a pre-license instructor which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 11) The fee for application for initial approval of a pre-license course is ~~\$125~~ \$100. The fee must accompany the application for approval.
 - 12) The fee for renewal of approval of a pre-license course shall be calculated at the rate of ~~\$50~~ \$25 per year.
 - 13) The fee for the renewal of approval of a pre-license course which has been expired is the sum of all lapsed renewal fees plus \$50.
- g) Continuing Education School, Instructor, and Course Fees.
- 1) The fee for an application for initial approval as a continuing education (CE) school shall be ~~\$2,025~~ \$2,000. The fee must accompany the application to determine an applicant's fitness for approval.
 - 2) The fee for renewal of approval as a CE school shall be ~~\$2,025~~ \$2,000 per year.
 - 3) The fee for renewal of approval as a CE school which has expired shall be all lapsed renewal fees plus \$50.
 - 4) The fee for an application for initial approval as a CE instructor shall be ~~\$75~~ \$50. The fee must accompany the application to determine an applicant's fitness to receive approval.
 - 5) The fee for renewal of approval as a CE instructor shall be ~~\$75~~ \$50 per year.

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- 6) The fee for the renewal of approval as a CE instructor which has been expired shall be all lapsed renewal fees plus \$50.
 - 7) The fee for an application for initial approval of a CE course shall be ~~\$100~~ \$125. The fee must accompany the application for approval.
 - 8) The fee for renewal of approval of a CE course shall be ~~\$50~~ \$25 per year.
 - 9) The fee for renewal of approval of a CE course which has expired shall be all lapsed renewal fees plus \$50.
- h) General.
- 1) All fees paid pursuant to the Act and this Section are non-refundable.
 - 2) The fee for the issuance of a duplicate license or pocket card, for the issuance of a replacement license or pocket card for a license or pocket card which has been lost or destroyed, for the issuance of a license with a change of name or address other than during the renewal period, or for the issuance of a license with a change of location of business, is \$25.
 - 3) The fee for a certification of a licensee's record for any purpose is \$25.
 - 4) The fee for a wall license showing registration shall be the cost of producing the license.
 - 5) The fee for a roster of persons licensed under the Act or for a list of licensees sponsored by the sponsoring broker shall be the cost of producing the roster.
 - 6) Applicants for an examination as a leasing agent, broker, salesperson, or instructor shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.

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- 7) The fee for requesting a waiver of continuing education requirements pursuant to Section 5-70 of the Act shall be \$25.
- 8) The fee for processing a sponsor card other than at the time of original licensure is \$25.
- 9) The fee for a copy of a transcript of the proceedings under Section 20-60(h) of the Act shall be the cost of a copy of the transcript. A copy of the balance of the record will be provided at OBRE's cost for producing the record.
- 10) The fee for certifying the record referred to in Section 20-75 of the Act is \$1 per page of the record.
- 11) OBRE may charge an administrative fee not to exceed \$500, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1450.250(d)(2).
- 12) Each university, college, community college or school supported by public funds shall be exempt from the school licensure fees provided each university, college, community college or school meets the following criteria:
 - A) the facility is supported by public funds;
 - B) the instructors are considered full-time faculty and are supported by public funds or if the administrator of the real estate school/program/curricula is considered full-time with exclusive responsibility for the administration of the real estate school/program/curricula and is supported by public funds;
 - C) the program, pre-license and/or continuing education, revenues are deposited into the general fund of the university, college, community college or school as are other appropriated public funds; and
 - D) the program, pre-license and/or continuing education, is not a for-profit division of the university, college, community college or school.

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(Source: Amended at 28 Ill. Reg. 2141, effective January 22, 2004)

SUBPART G: PRE-LICENSE AND CONTINUING EDUCATION RULES

Section 1450.276 Curriculum for Pre-License Schools

- a) Pre-license schools shall offer, at a minimum, the courses provided for in this Section.
- b) The application for licensure as a pre-license school shall include a list of courses to be offered, an outline and course description for each course along with an examination and answer key. Each outline shall make reference to the textbook used and other material related to the course or subject matter, and shall conform to the approved curriculum outlines prepared by OBRE.
- c) Pre-license schools must provide the following courses:
 - 1) Real Estate Transactions shall include a minimum of 45 class hours. The course shall include instruction in real estate law, types of interest and ownership in real estate, home ownership, legal descriptions, titles, liens, taxes, encumbrances, listing, advertising, appraisal, finance, closings, and professional code of ethics. This course shall be mandatory for all salesperson candidates. ~~will be required for those wishing to obtain a salesperson's license.~~
 - 2) Brokerage Administration shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in Illinois real estate law and licensure, listings, title search, forms for closing, contract forms, and the broker-salesperson relationship.
 - 3) Contracts and Conveyances shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in deeds, fixtures, contracts, real estate closings, foreclosure and redemption, land use controls, landlord/tenant relationship, cooperatives and condominiums.
 - 4) Advanced Principles 2000 shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates and shall include agency, disclosure, environmental issues, escrow, license law and other topics approved by the EAC and OBRE.

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- d) Pre-license schools shall provide two or more of the following courses:
- 1) Appraisal shall consist of a minimum of 15 class hours. The course shall include instruction in the appraisal process, real property and value, economic trends, depreciation and land value.
 - 2) Property Management shall consist of a minimum of 15 class hours. The course shall include, but not be limited to, instruction in fundamentals of tenant-management relationship, property modernization, property maintenance, leases, real property insurance, commercial property, industrial property and advertising.
 - 3) Financing shall consist of a minimum of 15 class hours. The course shall include instruction in types of financing, sources of financing, mortgages, mortgage documents, closing a mortgage, interest, liens, foreclosure, real property insurance, mortgage risk, principles of property value for mortgage credit, mortgage analysis and construction loans.
 - 4) Sales and Brokerage shall consist of a minimum of 15 class hours. The course shall include instruction in qualifications and functions of a real estate broker; land utilization; appraisal principles and methods; office organization; selection, training and supervision of salespersons and office personnel; compensation of salesperson listings; prospects; real estate markets; financial control; and government regulations.
 - 5) Farm Property Management shall include a minimum of 15 class hours. The course shall include instruction in inventorying assets, determining method of operation, tenants, budgeting, crop and livestock production, marketing, tax planning and depreciation, government programs and regulations, insurance and ethics.
 - 6) Real Property Insurance shall include a minimum of 15 class hours. The course shall include instruction in risk, functions of insurance, insurance contracts, types and purposes of insurance.
 - 7) Other courses as approved from time to time by OBRE. If additional elective courses are developed, they shall be approved by OBRE prior to implementation. The courses shall be approved upon determination that

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the course is at least 15 clock hours (one clock hour equals 50 minutes) in length and constitutes real estate related material.

- e) Examinations. Each course shall end in a mandatory proctored final examination consisting of at least 50 questions for each 15 classroom hours for which the minimum passing score shall be no less than 75%.
- f) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made up by attendance at make-up classes as provided in subsection (g). Missing any class hours after having the opportunity to make up class hours as provided in subsection (g) shall result in failure of the course.
- g) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

(Source: Amended at 28 Ill. Reg. 2141, effective January 22, 2004)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services Delivered by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
302.20	Amendment
302.310	Amendment
302.405	Amendment
- 4) Statutory Authority: 20 ILCS 505; 750 ILCS 50
- 5) Effective Date of Amendments: February 1, 2004
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including 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: February 7, 2003; 27 Ill. Reg. 1804
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: No substantive changes were made between the proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any proposed amendments to this Part pending? No
- 15) Summary and Purpose of the amendments: The purpose of the adopted amendments is to enhance opportunities for a child to become adopted or go into the subsidized guardianship program. In addition, the amendments bring the rules into fuller compliance with federal regulations.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715
FAX: (217) 557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section

- 302.10 Purpose
- 302.20 Definitions
- 302.30 Introduction
- 302.40 Department Service Goals
- 302.50 Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section

- 302.100 Reporting Child Abuse or Neglect to the Department (Recodified)
- 302.110 Content of Child Abuse or Neglect Reports (Recodified)
- 302.120 Transmittal of Child Abuse or Neglect Reports (Recodified)
- 302.130 Special Types of Reports (Recodified)
- 302.140 Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
- 302.150 Delegation of the Investigation (Recodified)
- 302.160 The Investigative Process (Recodified)
- 302.170 Taking Children Into Temporary Protective Custody (Recodified)
- 302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
- 302.190 Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section

- 302.300 Adoptive Placement Services (Repealed)
- 302.305 Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible
- 302.310 Adoption Assistance Agreements
- 302.311 Nonrecurring Adoption Expenses (Repealed)

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302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services (Repealed)
302.400	Successor Guardianship (Repealed)
302.405	Subsidized Guardianship Program

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Purpose
302.510	Implementation of the Family Preservation Act
302.520	Types of Intensive Family Preservation Services
302.530	Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames

302.APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004.

SUBPART A: GENERAL PROVISIONS

Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department ~~that which~~ is provided to the adoptive parents after the finalization of an adoption.

"Adoption placement" means a living arrangement with a family ~~that which~~ is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement the child must be placed in a licensed foster family home or a license-exempt relative home and either:

be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

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"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

"Child welfare services" means publicly funded social services ~~that which~~ are directed toward the accomplishment of the following purposes:

protecting and promoting the health, safety and welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

providing supportive services and living maintenance which contributes to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

the physical, emotional and social well-being of children for whom the Department is legally responsible who are pregnant and unmarried; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings;

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, protective and family maintenance day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection, and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents has signed an adoptive surrender or voluntary placement agreement with the Department.

"Custodial Caregiver" means an individual with whom a child resides who is directly responsible for the day-to-day care of the child ensuring the child's safety and well-being.

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

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

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"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code ~~301.60~~ ~~302.60~~ (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Level of care" means one of the following types of substitute care that would be appropriate for the child, if placed in foster care: regular foster care, intensive foster care, or specialized foster care.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education as required by law.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Pre-existing condition" means, for purposes of adoption assistance and subsidized guardianship, a disabling physical, emotional or mental health condition that the child had prior to the finalization of the adoption or transfer of guardianship. Such condition must be documented by a duly licensed or credentialed professional.

"Private guardianship" means an individual person appointed by the court to

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assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative," for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined of this Section), great-uncle, or great-aunt, or

is the spouse of such relative, or

is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, where the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Service constellation" means a variety of services provided to a child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Siblings" means children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

"Subsidized Guardianship Program" means a child welfare demonstration project ~~that which~~ offers a financial subsidy to relative care or licensed foster home caregivers who are willing to assume private guardianship of children who are eligible for the program. The Subsidized Guardianship Program is further defined in Section 302.405 (Subsidized Guardianship).

~~"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.~~

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(Source: Amended at 28 Ill. Reg. 2155, effective February 1, 2004)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.310 Adoption Assistance Agreements**a) General Provisions**

1) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, for whom the Department or a not-for-profit agency has responsibility for placement and care, who are residents of Illinois, and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance shall be determined by the Department and the adoptive parents on an individual basis. The Department shall notify the prospective adoptive parents of the availability and the types of assistance. The adoptive parent may refuse any or all of the adoption assistance. The ongoing monthly payment shall be issued to the person identified in the adoption assistance agreement. Any type of adoption assistance services included in this Part that are payable through insurance or other funding sources will not be paid for by the Department. The child adopted with adoption assistance shall receive only those services and/or payments specified in the adoption assistance agreement.

2) Children Residing in Other States

A) When the Department has responsibility for placement and care of a child who is eligible for Federal Title IV-E reimbursement, the Department is responsible for entering into the adoption assistance agreement and paying the adoption subsidy, even if the child is placed in an adoptive home in another state.

B) If the Department does not have responsibility for placement and care of a Title IV-E eligible child, it is the adoptive parent's state of residence where the adoption assistance application should be made. In that event, the public child welfare agency in the adoptive parents' state of residence is responsible for determining whether

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the Title IV-E child meets the definition of special needs, entering into the adoption assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

3) Continued Eligibility of Children

A) If an adoption is dissolved because of the involuntary termination of parental rights, voluntary termination of parental rights when the Department concurs, or the death of the adoptive parents, a child adopted with Title IV-E adoption assistance continues to be eligible for Title IV-E adoption assistance.

B) When an adoption assistance agreement is terminated because of the death of the adoptive parents, involuntary termination of the adoption, or voluntary termination of the adoption when the Department concurs, and the child is adopted again, the Title IV-E child's state of residence is responsible for entering into the assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

b) Special Needs Criteria

For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:

1) The child cannot or should not be returned to the home of his or her parents, as determined by:

A) a judicial determination, for which the Department has received prior notice, that the child is abused, neglected or dependent, as defined in the Juvenile Court Act [705 ILCS 405];

B) where a full hearing was conducted by the court and the court order states the factual basis supporting its findings or other judicial determinations that there is probable cause to believe that a child is abused, neglected or dependent, and there is a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parents; or

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- C) the adoption has been dissolved through involuntary termination of parental rights, or voluntary termination of the adoption when the Department concurs, or upon the death of the adoptive parents; and
- 2) The child meets one of the following criteria:
- A) has an irreversible or non-correctable physical, mental or emotional disability; or
- B) has a physical, mental, or emotional disability correctable through surgery, treatment, or other specialized services; or
- C) is one year of age or older; or
- D) is a member of a sibling group being adopted together where at least one child meets one of the criteria in subsection (b)(2)(A) through (C) above; or
- E) is a child being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and
- c) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance, and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search would not be in the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.
- d) A child who meets the special needs criteria specified in (b) above is adoption assistance eligible. In order for the child to receive ongoing monthly payments and/or medical assistance, he or she must meet one of the following conditions:
- 1) was eligible at the time he or she was removed from the home and at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996; or

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- 2) is a child of a minor parent receiving Title IV-E foster care maintenance payments that include the child, although the child is a non-ward of the Department; or
 - 3) was eligible for Supplemental Security Income (SSI) at the time the adoption proceedings were initiated; or
 - 4) is a child for whom adoptive parents were previously receiving adoption assistance; or
 - 5) is a child for whom the Department of Children and Family Services was responsible for placement and care when the adoption petition was filed.
- e) An AFDC-eligible child who was voluntarily relinquished to a public or private/not-for-profit agency and who meets the special needs criteria as specified in subsection (b) above, shall be considered judicially removed in the following circumstances:
- 1) a petition to remove the child from the home was filed within 6 months of living with a specified relative; and
 - 2) there is a subsequent judicial determination, for which the Department has received prior notice, that remaining in the home is contrary to the child's welfare, as defined in the Juvenile Court Act [705 ILCS 405] where a full hearing was conducted by the court and the court order states the factual basis supporting its findings.
- f) Types of Adoption Assistance
The types of adoption assistance that a family may apply for include:
- 1) Non-recurring Expenses
Payment for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500 for each adopted child.
 - 2) Monthly Payments
 - A) An ongoing monthly payment is to be determined through the discussion and negotiation process between the adoptive parents and the Department based on the needs of the child and the circumstances of the family. This payment should combine with

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the parent's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family upon entry of the final order of adoption unless the child is an unlicensed relative placement. In such a case, upon entry of a final order or adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the adoption assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the adoption assistance agreement regarding their children.

- B) The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted, which may be adjusted for any benefits the child will be receiving, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in the determination of the ongoing monthly payment. When a child is SSI eligible following the adoption, the adoptive parents shall tell the Social Security Administration the amount of the ongoing monthly adoption assistance payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.
- 3) A Medicaid card.
- 4) Needs Not Payable Through Other Sources
Payment may be made for physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the entry of the final order of adoption. Payment shall not be made until the Department has been notified in writing that such services will begin and

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has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

5) Therapeutic Day Care

Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP) or an Individual Family Service Plan (IFSP) and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin, has approved the requested services, and a contract has been executed (when applicable).

6) Employment Related Day Care

Payment may be made for day care for children under the age of three years if the adoptive parent is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.

7) Respite Care

A) Payment may be made for respite care for a child the Department determines to meet certain conditions. Such payment shall not exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. The child must meet the medical eligibility guidelines used by the Department of Public Aid (DPA) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. This program is operated by the Division of Specialized Care for Children (DSCC) for DPA. DCFS regional nurses shall assist in making this determination.

B) Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as

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the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The adoptive parents must not already be receiving respite care from another source.

i) For existing adoptive cases: If the adoptive parents agrees to apply, the parents should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the adoptive parents agree to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

ii) For new adoptive cases, the adoptive parents must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the adoptive parents must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

8) College Scholarships
Children who are adopted and receiving adoption assistance may apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.

9) Adoption Incentive
The Department will pay an incentive payment for children who are 14 to 18 years of age when adopted during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of \$3000 to be awarded to an adopted child under the following circumstances in the manner described:

A) In order to assist youth who have been adopted to make the transition to adulthood, the Department will provide a payment of

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- \$3000 directly to the youth upon termination of his or her adoption subsidy.
- B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.
- C) In order to be eligible for this payment, the child:
- i) must have been the legal responsibility of the Department prior to the adoption; and
- ii) must have been 14 to 18 years of age when adopted, during the time period of March 15, 2001 through January 31, 2003.
- D) Children in adoptive placements within this time period who do not have their adoptions finalized by January 31, 2003 will not be eligible for this grant award.
- E) The payment will be awarded directly to the child.
- g) Conditional Adoption Assistance
Conditional adoption assistance is available for those children who meet all of the other eligibility criteria for adoption assistance who were adopted prior to the effective date of this Section when it had been determined that the children may eventually require care for documented disabilities or risk factors that have not yet exhibited at the time of the adoptions.
- h) Adoption Assistance Agreement
The adoption assistance agreement shall be signed prior to the entry of the final order of adoption. The types, amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parents prior to the entry of the final order of adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. This payment shall not exceed the amount the child received in his or her current foster family home upon entry of the final order of adoption unless the child is in an unlicensed relative placement. In such a case, upon entry of the final order of adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The adoption assistance agreement shall remain in effect, regardless of where the adoptive parents currently reside and shall contain provisions for the protection of

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the interests of the child in cases where the adoptive parents and child move. The adoptive parents may request a change in their child's subsidy due to a change in the family or child's circumstances.

i) Notification Requirement by Adoptive Parents

The adoptive parent shall notify the Department no later than 30 days after any of the following occurrences:

- 1) the child is no longer the legal responsibility of the adoptive parents;
- 2) the adoptive parents no longer financially support the child;
- 3) the child graduates from high school or equivalent;
- 4) there is a change of residential address or mailing address of the adoptive parents or the child;
- 5) the child dies;
- 6) the child becomes an emancipated minor;
- 7) the child marries;
- 8) the child enlists in the military; or
- 9) the child's custodial status changes.

j) Periodic Reviews

The Department will shall conduct periodic reviews to determine whether the adoptive parents remain legally and financially responsible for the child. The adoptive parents are required to participate and cooperate with the review. Non-custodial parents may request notice of periodic reviews.

k) Suspension of Payments

Ongoing monthly payments may be suspended when:

- 1) Adoptive parents request an end to payments from the Department.
- 2) The child has moved from the home for a planned short duration with the concurrence of the Department and the adoptive parents.

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- 3) Adoptive parents are no longer providing any financial support to the child.
- l) Termination of Adoption Assistance
The adoption assistance shall terminate when the Department has determined that one of the following has occurred:
- 1) When the terms of the adoption assistance agreement are fulfilled.
- 2) The adoptive parents have requested that the adoption assistance permanently stop.
- 3) The adoptive parents are no longer legally or financially responsible for the child.
- 4) The child becomes an emancipated minor.
- 5) The child marries.
- 6) The child enlists in the military.
- 7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability associated with a condition or risk factor that existed prior to the finalization of the adoption and that was documented prior to the child's 18th birthday reaches age 21.
- 8) The adoptive parents die.
- 9) The adoptive parents' parental rights are terminated.
- 10) The child dies.
- m) Title IV-E Demonstration Waiver
The Department has received a Title IV-E demonstration waiver from the Department of Health and Human Services (DHHS) to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted,

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the State shall apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.

n) Appeal of Department Decisions

Adoptive parents may appeal the following Department decisions in accordance with 89 Ill. Adm. Code 337, Service Appeal Process:

- 1) The Department failed to advise the potential adoptive parents about the availability of adoption assistance to children under the care of the Department;
- 2) The adoptive parents disagree with the Department's determination that a child is ineligible for adoption assistance;
- 3) Adoption assistance or a specific component of adoption assistance was denied;
- 4) Relevant facts regarding the child were known by the Department and were not presented to the adoptive parents prior to the finalization of the adoption;
- 5) The Department denies the adoptive parents request to modify the adoption assistance agreement; or
- 6) An adoption assistance agreement has been amended, suspended or terminated without the concurrence of the adoptive parent.

a) ~~Adoption assistance may be provided to those persons adopting children who are legally free for adoption, for whom the Department is legally responsible, who are residents of Illinois, and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be determined by the Department and the adoptive parents on an individual basis. The Department shall take into consideration the specific circumstances of the adoptive parents and any special care needs of the child being adopted as described in subsection (b)(2) of this Section. The types of adoption assistance that may be provided include:~~

- 1) ~~one-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500 for each adopted child;~~

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- ~~2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition whose onset has been established as occurring prior to the completion of the adoption. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions;~~
- ~~3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department not to exceed the applicable licensed foster care payment level the child would be receiving if the child were in foster care and subject to adjustment at a review every two years, or more frequently based on changes in the circumstances of the adopted parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs, payments will not be decreased based on changes in the level of care. In no event shall the monthly adoption assistance payment be greater than the applicable licensed foster family care payment level;~~
- ~~4) an incentive payment of \$3000 for children who are 14 to 18 years of age when adopted during the time period of March 15, 2001 through October 31, 2002. For a further description of the purpose and terms of this payment, see subsection (k) of this Section; and~~
- ~~5) payment for day care for children under the age of three years, if the adoptive parent is employed or in an education-related program. This day care payment cannot be used in addition to therapeutic day care. Payment for day care services will end on the child's third birthday.~~
- b) For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:
 - ~~1) the child cannot or should not be returned to the home of his or her parents, as determined by:
 - ~~A) a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and~~
 - ~~B) a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parent(s); and~~~~
 - ~~2) the child meets one of the following criteria:
 - ~~A) has an irreversible or non-correctable physical, mental or emotional disability; or~~
 - ~~B) has a physical, mental or emotional disability correctable through surgery, treatment, or other specialized services; or~~~~

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- ~~C) is one year of age or older; or~~
- ~~D) is a member of a sibling group being adopted together where at least one child meets one of the criteria in subsection (b)(2)(A) through (C) above; or~~
- ~~E) is a child being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and~~
- ~~3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.~~
- ~~e) Adoption assistance as a one-time only payment for non-recurring adoption be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this Section. This includes expenses incurred by or on behalf of such parents, in connection with the adoption of a special needs child, either directly or through another public or private agency. These expenses include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case shall be determined by the needs of the child being adopted and the availability of pro bono services, and shall not exceed \$1500 per adoptive child. The adoptive parents may refuse any or all payments available under this subsection (e) of this Section.~~
- ~~d) Adoption assistance for ongoing monthly payments and medical assistance may be provided to parents adopting a child who:
 - ~~1) is determined by the Department to have special needs as provided in subsection (b) of this Section; and~~
 - ~~2) meets one of the following conditions:
 - ~~A) was eligible at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996; or~~
 - ~~B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or~~~~~~

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- ~~C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or~~
- ~~D) is a child for whom the Department of Children and Family Services was legally responsible when the adoption petition was filed; and~~
- 3) ~~in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a documented physical, mental, or emotional disability, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption unless the child is being adopted after October 1, 1997 and is a child who had previously been adopted with adoption assistance, but the adoption was dissolved and the parental rights of the adoptive parents were terminated, or the adoptive parents died. However, the one year placement requirement is not applicable for sibling groups where at least one sibling is determined to be special needs because of a documented physical, mental, or emotional disability and meets all requirements for adoption assistance.~~
- e) ~~The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted as adjusted for any benefits the child will be receiving, such as Social Security, Veterans' benefits, railroad retirement or black lung benefits. Supplemental Security benefits (SSI) are not to be considered in the determination of the ongoing monthly payment. If a child is receiving SSI, the receipt of adoption assistance is taken into consideration by the Social Security Administration when calculating the amount of the SSI benefit.~~
- f) ~~In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child may eventually require care for a documented medical condition or disability related to pre-existing physical, mental, or emotional conditions or risk factors that do not yet require treatment at the time of the adoption, no such payments shall be made at that time. The adoption assistance agreement may provide that such payments be initiated when the child's pre-existing condition or identified risk factors warrant treatment or professional intervention. If such payments are commenced, the ongoing monthly payment shall in no event exceed the amount the child would receive if the child was in foster care at the time the payments are initiated.~~
- g) ~~The adoption assistance agreement providing for ongoing monthly payments and medical assistance shall include an agreement with the adoptive parents that the amount of any ongoing monthly payments shall be reviewed every two years and may be readjusted every two years or more frequently, based on changes in the~~

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~~circumstances of the adoptive parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs, payment will not be decreased based on changes in the level of care. If the adoptive parents or the adopted child disagree with the Department's determination, they may appeal the determination in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process). Adoptive parents may refuse any or all payments offered by the Department.~~

- ~~h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance and the types of adoption assistance and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least every two years and may be terminated or readjusted based on subsections (i) and (j). In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior to finalization of the adoption.~~
- ~~i) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the adoptive parents reside currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is in effect. The duration of adoption assistance may extend until age 18 years, or until age 19 years if the child is still in high school, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental or emotional disability that warrants the continuation of assistance. The adoptive parents or the adoptive child may appeal the Department's decision to discontinue adoption assistance at age 18 or 19 for a child still in high school.~~
- ~~j) The adoptive parent shall notify the Department as soon as practically possible in writing of a change in address or when the following changes occur which will affect the amount of adoption assistance:~~
- ~~1) the child is no longer the legal responsibility of the adoptive parent;~~
 - ~~2) the child is no longer receiving financial support from the adoptive parent;~~
 - ~~3) the child's condition has changed to the extent that, if the child were in foster care, an increase in the child's level of care would be required; or~~
 - ~~4) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments. Such circumstances pertain to the parents' ability to incorporate the child into their household in relation to their standard of living, future plans and overall capacity to meet the immediate and future needs of the child.~~

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- k) ~~The Department will provide a payment of \$3000 to be awarded to an adopted child under the following circumstances in the manner described:~~
- 1) ~~In order to assist youth who have been adopted to make the transition to adulthood, the Department will provide a payment of \$3000 directly to the youth upon termination of his or her adoption subsidy.~~
 - 2) ~~the payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.~~
 - 3) ~~In order to be eligible for this payment, the child:~~
 - A) ~~must have been the legal responsibility of the Department prior to the adoption; and~~
 - B) ~~must have been 14 to 18 years of age when adopted, during the time period of March 15, 2001 through June 30, 2002.~~
 - 4) ~~Children in adoptive placements within this time period who do not have their adoptions finalized by June 30, 2002 will not be eligible for this grant award.~~
 - 5) ~~The payment will be awarded directly to the child.~~
- l) ~~If an adoption is dissolved because of the termination of the parental rights of the adoptive parents or the death of the adoptive parents, a child adopted with adoption assistance continues to be eligible for such assistance if he or she is adopted again on or after October 1, 1997.~~

(Source: Amended at 28 Ill. Reg. 2155, effective February 1, 2004)

Section 302.405 Subsidized Guardianship Program

- a) General Provisions
Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services (DHHS) under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out. Guardianship is governed by the Illinois Probate Act [755 ILCS 5] and the Illinois Juvenile Court Act [705 ILCS 405]. A relative caregiver or licensed foster parent caring for a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship and the types of assistance available. The subsidized guardianship agreement must be signed prior to the transfer of guardianship.
- b) Subsidized Guardianship Agreement

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The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the transfer of guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or Federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department. The child for whom guardianship is transferred and for whom the guardian is receiving a subsidy shall receive only those services and/or payments specified in the subsidized guardianship agreement.

c) Eligibility Criteria

- 1) For a child to qualify for subsidized guardianship, the following criteria must be met:
 - A) the child is not a member of the control group; and
 - B) the child has been in the custody of the State for one year or more immediately prior to establishing subsidized guardianship and is likely to remain in care, and the parent has consented to the subsidized guardianship arrangement or the Department has good cause to seek a private guardian without consent and will give notice to the parent of the guardianship hearing; and
 - C) the child has a strong attachment to the potential guardian and the guardian has a strong commitment to the child; and
 - D) the permanency goals of return home and adoption have been ruled out for this child and documented in the case record.
- 2) In addition to the requirements of subsection (c)(1), in order for a child to qualify for subsidized guardianship, at least one of the following criteria must be met:
 - A) the child has lived with a relative for at least one year immediately prior to establishing subsidized guardianship; or

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- B) the child is 12 years of age or older and has lived with a non-relative for at least one year immediately prior to establishing subsidized guardianship; or
 - C) the child is a member of a sibling group for whom guardianship will be transferred together, of which at least one child has resided with the prospective subsidized guardian for at least one year and meets all subsidized guardianship criteria; or
 - D) the guardianship of the child will be transferred to a prospective guardian who has previously taken subsidized guardianship of another child born of the same mother or father; or
 - E) the child is under 12 years of age, is living with a non-relative, and has no older sibling for whom subsidized guardianship is being considered but is eligible due to the fact that:
 - i) subsidized guardianship has been determined to be in the child's best interests; and
 - ii) the basis for the decision is documented and approved by the Department Guardianship Administrator or designee; or
 - F) the child was previously in subsidized guardianship, but the guardian has died; or
 - G) the child was previously in subsidized guardianship, but due to the mental or physical incapacity of the guardian, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, and guardianship was or will be vacated; or
 - H) the child who had been adopted who was eligible for subsidized guardianship prior to the adoption, continues to be eligible for subsidized guardianship in the event his or her adoptive parent is unable to care for him or her due to the death or total mental or physical incapacity of the adoptive parent.
- d) Determination Whether Subsidized Guardianship is in the Best Interests of the Child

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- 1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making this determination the Department shall consider all relevant factors including but not limited to:
 - A) the wishes of the child's prospective subsidized guardian;
 - B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
 - C) the interaction and interrelationship of the child with the prospective subsidized guardian;
 - D) the child's adjustment to the present home, school, and community;
 - E) the child's need for stability and continuity or relationship with the prospective subsidized guardian; and
 - F) the mental and physical health of all individuals involved.
 - 2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check, which shall include a CANTS/SACWIS and LEADS check.
- e) Types of Assistance
The types of assistance that a family may apply for include:
- 1) Non-recurring Expenses
Payment for non-recurring expenses for reasonable and necessary miscellaneous costs, and legal fees related to subsidy review, that are directly related to the transfer of guardianship, subject to the maximum set by the Department of \$500 per child.
 - 2) Ongoing Monthly Payments
 - A) An ongoing monthly payment to be determined through the discussion and negotiation process between the prospective guardian and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the guardian's resources to cover the ordinary and special

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needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family home upon transfer of guardianship unless the child is in an unlicensed relative placement. In such a case, upon transfer of guardianship the guardian may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the assistance agreement regarding their children. The ongoing monthly payment may be adjusted for any benefits the child will continue to receive, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in determining the ongoing monthly payment amount. When the child is SSI-eligible following the transfer of guardianship, the guardian shall tell the Social Security Administration the amount of the ongoing monthly payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

B) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(f) of this Part.

3) A Medicaid card.

4) Needs Not Payable Through Other Sources
Physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the transfer of guardianship.

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Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

- 5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP) or an Individual Family Service Plan (IFSP) and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract has been executed (when applicable).
- 6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the guardian is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.
- 7) Respite Care
- A) Payment may be made for respite care for a child the Department determines to meet certain conditions. Such payment is shall not to exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. The child must meet the medical eligibility guidelines used by the Department of Public Aid (DPA) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. This program is operated by the Division of Specialized Care for Children (DSCC) for DPA. DCFS regional nurses shall assist in making this determination.
- B) Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care

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center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The subsidized guardians must not already be receiving respite care from another source.

i) For existing subsidized guardianship cases, if the subsidized guardian agrees to apply, the guardian should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the subsidized guardian agrees to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

ii) For new subsidized guardianship cases, the subsidized guardian must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the subsidized guardian must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

8) College Scholarships
Children who are receiving subsidized guardianship assistance may also apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.

9) Adoption Incentive
The Department will pay an incentive payment for children who are 14 to 18 years of age when guardianship with subsidized guardianship was awarded during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of \$3000 to be awarded to a child placed in subsidized guardianship under the following circumstances in the manner described:

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- A) In order to assist youth who have been receiving subsidized guardianship to make the transition to adulthood, the Department will provide a payment of \$3000 directly to the youth upon termination of his or her subsidized guardianship subsidy.
- B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.
- C) In order to be eligible for this payment, the child:
- i) must have been the legal responsibility of the Department prior to the subsidized guardianship; and
 - ii) must have been 14 to 18 years of age when the guardianship was awarded to the private guardian during the time period of March 15, 2001 through January 31, 2003.
- D) Children in subsidized guardianship within this time period who do not have their private guardianship finalized by January 31, 2003 will not be eligible for this grant award.
- E) The payment will be awarded directly to the child.
- f) Responsibilities of the Subsidized Guardian
Subsidized guardians are responsible for the following:
- 1) ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court; and
 - 2) notifying the Department no later than 30 days after any one of the following occurrences:
 - A) The child is no longer the legal responsibility of the guardian.
 - B) The guardian no longer financially supports the child.
 - C) The child graduates from high school or equivalent.

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- D) There is a change of residential address or mailing address of the guardian or the child.
 - E) The child dies.
 - F) The child becomes an emancipated minor.
 - G) The child marries.
 - H) The child enlists in the military.
 - I) The mental or physical incapacity of the guardian prevents the guardian from discharging the responsibilities necessary to protect and care for the child.
 - J) The custodial status of the child changes.
 - K) The guardianship is vacated.
- g) Department Responsibilities
- 1) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services).
 - 2) The Department shall offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment of one time only court costs and legal fees, if required.
 - 3) The Department shall ensure that an orientation is provided to the family to ensure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.
 - 4) The Department shall ensure that each guardian has access to a caseworker who will respond to requests for information and assistance.

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- 5) The Department shall ensure that all guardians are aware of their right to appeal service decisions with which they may disagree under 89 Ill. Adm. Code 337 (Service Appeal Process).
- 6) The Department shall accept custody of the child in accordance with the Abused and Neglect Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.
- h) Periodic Reviews
The Department shall conduct periodic reviews to determine whether the guardian remains legally and financially responsible for the child. The guardian is required to participate and cooperate with the review.
- i) Suspension of Payments
Ongoing monthly payments may be suspended when the following come to the attention of the Department:
- 1) Guardian requests an end to payments from the Department.
 - 2) The child has moved from the home for a planned short duration with the concurrence of the Department and the guardian.
 - 3) Guardian is no longer financially supporting the child.
- j) Termination of Payments
Payments for Subsidized Guardianship Assistance shall terminate when the Department has determined that any one of the following has occurred:
- 1) When the terms of the subsidized guardianship agreement are fulfilled.
 - 2) The guardian has requested that the payment permanently stop.
 - 3) The guardian is no longer financially supporting the child as determined through the periodic review process in concurrence with the adoptive parents.
 - 4) The child becomes an emancipated minor.
 - 5) The child marries.

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- 6) The child enlists in the military.
 - 7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability that was documented prior to the 18th birthday reaches age 21.
 - 8) The guardian dies.
 - 9) The guardianship is vacated.
 - 10) The child dies.
- k) Title IV-E Waiver
The Department has a Title IV-E demonstration waiver from the Department of Health and Human Services to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted, the state would apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.
- l) Appeal of Department Decisions
A guardian has a right to file a service appeal in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process) when:
- 1) The guardian disagrees with the Department's determination that a child is ineligible for subsidized guardianship assistance;
 - 2) Subsidized guardianship assistance or a specific subsidized guardianship assistance component was denied;
 - 3) The Department denies the guardian's request to modify the subsidized guardianship assistance agreement; or
 - 4) When a subsidized guardianship assistance agreement has been amended, suspended or terminated without the concurrence of the guardian.
- m) Demonstration Group

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Although participation in the subsidized guardianship program is statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:

- 1) Cook Central Region.
- 2) East St. Louis sub-region serving the following counties:
 - A) Madison;
 - B) St. Clair;
 - C) Bond;
 - D) Clinton;
 - E) Washington;
 - F) Monroe; and
 - G) Randolph.
- 3) Peoria sub-region serving the following counties:
 - A) Fulton;
 - B) Henderson;
 - C) Knox;
 - D) Warren;
 - E) Henry;
 - F) LaSalle;

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G) McDonough;

H) Mercer;

I) Rock Island;

J) Tazewell;

K) Peoria;

L) Bureau;

M) Marshall;

N) Putnam;

O) Woodford; and

P) Stark.

- a) ~~Description. Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out as evidenced by an assessment documented in the service plan. The types of assistance that may be provided include:~~
- ~~1) payments of one-time court costs and legal fees, if required, in connection with the establishment of guardianship, up to a maximum of \$500;~~
 - ~~2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition whose onset has been established as occurring prior to the transfer of guardianship. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions;~~
 - ~~3) ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (e) below;~~
 - ~~4) an incentive payment of \$3000 for children 14 to 18 years of age, when guardianship with subsidized guardianship was awarded the private guardian during the time period of March 15, 2001 through October 31,~~

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- ~~2002. For a further description of the purpose and terms of this payment, see subsection (f) of this Section; and~~
- 5) ~~payment for day care for children under the age of three years, if the guardian is employed or in an education-related program. This day care payment cannot be used in addition to therapeutic day care. Payment for day care services will end on the child's third birthday.~~
- b) ~~When Subsidized Guardianship is Appropriate~~
~~Subsidized guardianship is a program available for only those children who meet the following criteria:~~
- 1) ~~The child must have been in the legal custody of the State for one year immediately prior to establishing subsidized guardianship.~~
- 2) ~~The child must have resided with the prospective private guardian (relative caregiver or non-relative licensed foster care provider) for at least one year immediately prior to establishing the subsidized guardianship. However, the one-year placement requirement is not applicable for sibling groups when at least one sibling meets all other subsidized guardianship requirements.~~
- 3) ~~A child living in the home of a non-relative must be at least 12 years of age. However, the age criteria is not applicable for sibling groups when at least one sibling meets all subsidized guardianship criteria. However, if a child younger than 12 years of age is living in the home of a non-relative and has no older sibling for whom subsidized guardianship is being considered, the caseworker must determine that subsidized guardianship is in the child's best interests due to the length of time the child has been in the home, the age of the child, characteristics, limitations, and responsibilities including health and mobility of the caretakers or the special needs of the child. The basis for the best interest decision must be documented, and must be approved by the Department Guardianship Administrator.~~
- 4) ~~The child must have a strong attachment to the potential guardian and the guardian must have a strong commitment to the child.~~
- 5) ~~Reunification efforts of the child with his or her family must have been ruled out despite reasonable efforts having been made to reunite the child with his or her parents as documented in the case record.~~
- 6) ~~Adoption must have been ruled out as a permanency goal for the child.~~
- 7) ~~The parents may consent to the subsidized guardianship arrangement or the Department may proceed, for good cause, to seek a private guardian without parental consent provided that notice is given of the guardianship petition hearing in accordance with Section 11-10.1(a) of the Probate Act [755 ILCS 5/11-10.1(a)].~~

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- ~~8) A child 14 years of age or older must consent to the initiation of the subsidized guardianship living arrangement.~~
- ~~9) The prospective guardian must have no record of any felony convictions.~~
- e) ~~Responsibilities of the Private Subsidized Guardian~~
 - ~~1) Private guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.~~
 - ~~2) Private guardians shall notify the Department as soon as practically possible in writing when the following changes occur which may affect the amount of the subsidy:~~
 - ~~A) the child is no longer the legal responsibility of the subsidized guardian;~~
 - ~~B) the child is no longer receiving financial support from the subsidized guardian;~~
 - ~~C) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; or~~
 - ~~D) there is a change of address.~~
- d) ~~Responsibilities of Department~~
 - ~~1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making that determination the Department shall, through an assessment, consider all relevant factors including but not limited to:~~
 - ~~A) the wishes of the child's prospective subsidized guardian;~~
 - ~~B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;~~
 - ~~C) the interaction and interrelationship of the child with the prospective subsidized guardian;~~
 - ~~D) the child's adjustment to the present home, school, and community;~~
 - ~~E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and~~
 - ~~F) the mental and physical health of all individuals involved.~~
 - ~~2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check which shall include a CANTS and LEADS check.~~
 - ~~3) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services) when making placements under the subsidized guardianship program.~~

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- 4) ~~The Department will offer short term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment for one time only court costs and legal fees, if required.~~
 - 5) ~~The Department shall provide children in the subsidized guardianship program with a full range of services under the Medicaid program which includes health care services and mental health care services.~~
 - 6) ~~The Department shall ensure that an orientation is provided to the family of the subsidized guardian to assure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.~~
 - 7) ~~The Department shall ensure that each prospective guardian has access to a caseworker who will respond to requests for information and assistance.~~
 - 8) ~~The Department shall ensure that all guardians are provided access to fair hearings under 89 Ill. Adm. Code 337 (Service Appeal Process).~~
 - 9) ~~The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.~~
 - 10) ~~The Department shall provide financial assistance for these children in accordance with Section 302.405(e) (Subsidy for Subsidized Guardianship).~~
- e) ~~Subsidy for the Subsidized Guardianship Program~~
- 1) ~~Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(e) of this Part.~~
 - 2) ~~The subsidized guardianship agreement providing for ongoing monthly payments shall include an agreement with the subsidized guardian that the amount of any ongoing monthly payments shall be reviewed at least every two years or more frequently and may be readjusted annually or more frequently. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department.~~
 - 3) ~~A relative caregiver or licensed foster parent with a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship, the types of assistance~~

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- ~~available, the amount of payment, and, in the case of ongoing monthly subsidized guardianship payments, that such payments are subject to review at least every two years or more frequently and may be readjusted as set forth in subsection (e)(2) above. In order to receive a subsidized guardianship payment, the subsidized guardianship agreement must be signed prior to finalization of the transfer to private guardianship.~~
- 4) ~~The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the finalization of the transfer to private guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The duration of subsidized guardianship shall continue without further involvement by the court until termination when the child marries or dies, is emancipated, or reaches the age of 18 or 21 as specified in the agreement. The guardianship will also terminate upon the death, incapacity, resignation, or removal of the guardian.~~
- 5) ~~While guardianship is terminated under the Probate Act when a child reaches age 18, financial assistance may be provided through age 19 for a child still in high school or until age 21 for children with certain mental or physical handicapping conditions only.~~
- f) ~~The Department will provide a payment of \$3000 to be awarded to a child placed in subsidized guardianship under the following circumstances in the manner described:~~
- 1) ~~In order to assist youth who have been receiving subsidized guardianship to make the transition to adulthood, the Department will provide a payment of \$3000 directly to the youth upon termination of his or her subsidized guardianship subsidy.~~
- 2) ~~The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.~~
- 3) ~~In order to be eligible for this payment, the child:~~
- A) ~~must have been the legal responsibility of the Department prior to the subsidized guardianship; and~~
- B) ~~must have been 14 to 18 years of age when guardianship was awarded to the private guardian during the time period of March 15, 2001 through June 30, 2002.~~

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- 4) ~~Children in subsidized guardianship within this time period who do not have their private guardianship finalized by June 30, 2002 will not be eligible for this grant award.~~
- 5) ~~The payment will be awarded directly to the child.~~
- g) ~~Demonstration and Cost Neutrality Groups~~
~~Although participation in the subsidized guardianship program is Statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:~~
- 1) ~~the Cook Central Region.~~
- 2) ~~the East St. Louis sub-region serving the following counties:~~
- A) ~~Madison;~~
- B) ~~St. Clair;~~
- C) ~~Bond;~~
- D) ~~Clinton;~~
- E) ~~Washington;~~
- F) ~~Monroe; and~~
- G) ~~Randolph.~~
- 3) ~~the Peoria sub-region serving the following counties:~~
- A) ~~Fulton;~~
- B) ~~Henderson;~~
- C) ~~Knox;~~
- D) ~~Warren;~~
- E) ~~Henry;~~
- F) ~~LaSalle;~~
- H) ~~Mercer;~~
- I) ~~Rock Island;~~
- J) ~~Tazewell;~~
- K) ~~Woodford;~~
- L) ~~Peoria;~~
- M) ~~Bureau;~~
- N) ~~Marshall;~~
- O) ~~Putnam; and~~
- P) ~~Stark.~~

(Source: Amended at 28 Ill. Reg. 2155, effective February 1, 2004)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Handguns
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3) Section Number: 680.40 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Amendment: January 26, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 24, 2003, 27 Ill. Reg. 16216
- 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? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add legal firearms and ammunition.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 680
WHITE-TAILED DEER HUNTING BY USE OF HANDGUNS

Section

680.10	Statewide Season
680.20	Statewide Deer Permit Requirements
680.30	Deer Permit Requirements – Group Hunt
680.40	Statewide Handgun Requirements for Deer Hunting
680.50	Statewide Deer Hunting Rules
680.60	Reporting Harvest
680.70	Rejection of Application/Revocation of Permits
680.80	Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004.

Section 680.40 Statewide Handgun Requirements for Deer Hunting

- a) The only legal firearms are centerfire revolvers or centerfire single-shot handgunshunting devices are centerfire handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer. It shall be unlawful to take or attempt to take white-tailed deer by the use of semi-automatic handguns, blackpowder revolvers or handguns altered to allow for shoulder firing.

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- b) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle, that is available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle and whose case length does not exceed 1.4 inches. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. Modern smokeless powders (nitrocellulose-based) do not qualify as "blackpowder" substitutes. A wad or sleeve is not considered a projectile or part of a projectile. Non-expanding, military-style, full-metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Handgun Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than handgun deer hunters shall not be prohibited during the handgun deer season as set in Section 680.10. ~~(Except that the otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer shall not be prohibited during the handgun deer season as set in Section 680.10.)~~ Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. 2197, effective January 26, 2004)

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- 1) Heading of the Part: Public Museum Grants Program
- 2) Code Citation: 23 Ill. Adm. Code 3200
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
3200.10	Amendment
3200.15	Amendment
3200.20	Amendment
3200.35	New Section
3200.40	Amendment
3200.60	Amendment
3200.65	Amendment
3200.70	Amendment
3200.80	Amendment
3200.90	Amendment
3200.100	Amendment
3200.120	Amendment
3200.130	Amendment
3200.160	Amendment
3200.170	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)]
- 5) Effective Date of Amendments: January 26, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 14, 2003, 27 Ill. Reg. 4443
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

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In the Table of Contents and text, changed heading to read: "SUBCHAPTER B: PUBLIC MUSEUM OPERATING GRANTS PROGRAM".

In the Source Note, changed ";;" to ";;"

In Section 3200.10, Capitol Expenditure, under the list of operating or other types of expenditures that are not considered capital expenditures, made "repair to current exhibits;" a separate listing.

In Section 3200.20(a), added: "to certification (see Section 3200.35) based" after "inherent" and added a comma after "e.g.".

In Section 3200.20(a)(1), deleted the period and added a stricken semicolon.

In Section 3200.20(a)(4), deleted the period.

In Section 3200.35 (a), added a comma following "e.g.".

In Section 3200.35(c), deleted "of".

In Section 3200.90, following "5992", added "; Fax: 217.782-1254".

In Section 3200.100, in the definition of "Public Museum", added a comma after "tangible objects".

In Section 3200.160(c)(2)(D)(iv), deleted the period.

In Section 3200.170, after "Grants", added "Program".

- 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 rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments incorporate legislation amending the authorizing statute for the Public Museum Grants Program. The match requirement is modified and based on the museum's annual attendance, a procedure to obtain a certification by a unit of local government for museums not located on public

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property is added, and performing arts is added to the definition of public museums. Other amendments are being adopted as a result of experience in administering the program. The definition of capital expenditure is expanded significantly because many museums have submitted applications for projects that do not meet capital bondability requirements. In addition, at the recommendation of the peer review panel for the program, land acquisition was eliminated as an eligible capital expenditure. No land acquisition projects have been funded through this program to date, and land acquisition does not meet the overall intent of the program.

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

Stanley Yonkausk, Jr.
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER II: DEPARTMENT OF NATURAL RESOURCESPART 3200
PUBLIC MUSEUM GRANTS PROGRAM

SUBPART A: CAPITAL GRANTS PROGRAM

Section	
3200.5	Authority
3200.10	Definitions
3200.15	Purpose
3200.20	Eligibility Criteria
3200.30	Funding Determination (Repealed)
<u>3030.35</u>	<u>Certification by a Unit of Local Government</u>
3200.40	Application Procedure
3200.50	Application Schedule
3200.60	Review Criteria and Selection Procedure
3200.65	Awards
3200.70	Eligible Expenses
3200.80	Process for Payment
3200.90	Program Information/Contact

SUBPART B: PUBLIC MUSEUM OPERATING GRANTS PROGRAM GRANT RULES

Section	
3200.100	Definitions
3200.110	Purpose
3200.120	Eligibility Criteria for Applicant Facilities
3200.130	Application Procedure
3200.140	Application Schedule
3200.150	Review Procedure
3200.160	Method for Awarding Grants
3200.165	Process for Payment
3200.170	Program Information/Contact

AUTHORITY: Implementing and authorized by Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)].

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SOURCE: Emergency rule adopted at 3 Ill. Reg. 11, p. 18, effective March 1, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 18, p. 113, effective April 22, 1980; amended at 5 Ill. Reg. 5649, effective May 18, 1981; codified at 8 Ill. Reg. 1448; amended at 10 Ill. Reg. 4536, effective February 28, 1986; recodified from the Department of Energy and Natural Resources to the Department of Natural Resources at 22 Ill. Reg. 11230; emergency amendment at 22 Ill. Reg. 17381, effective September 17, 1998, for a maximum of 150 days; emergency expired February 13, 1999; emergency amendment at 22 Ill. Reg. 22097, effective December 3, 1998, for a maximum of 150 days; emergency expired May 1, 1999; amended at 23 Ill. Reg. 11926, effective September 15, 1999; emergency amendment at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days; emergency expired January 26, 2003; amended at 28 Ill. Reg. 2201, effective January 26, 2004.

SUBPART A: CAPITAL GRANTS PROGRAM

Section 3200.10 Definitions

"Attendance" means the documented number of visitors at the public museum's facility or facilities for the preceding calendar year.

"Capital Expenditure" means an outlay of capital that confers long-term benefits that permanently improve the property's value or usefulness. Capital expenditures generally include, but are not limited to, one or more of the following purposes: architectural planning and engineering design; demolition (in preparation for additional work); site preparation and improvement; utility work; new construction of buildings and structures; reconstruction or improvement of existing buildings or structures; construction of permanent exhibits; initial furniture and equipment integral to the project; replacement of currently utilized assets by a better asset; and expansion of existing buildings or facilities.

Work that constitutes repairs, maintenance or remodeling of a limited nature or scope, which is not done as part of a larger bondable project, shall not be considered bondable capital expenditures. A non-bondable project is generally one that maintains or preserves the existing conditions, use or size of a capital asset and that is neither in the nature of a betterment nor a change to the capital asset's condition, use or size. Generally, such work does not significantly add to the value of the capital asset nor appreciably prolong the life of the capital asset.

The following are operating or other types of expenditures that are not considered capital expenditures:

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projects with a total cost of less than \$25,000;

acquisition of museum collections, objects, or specimens;

feasibility studies, long-range development plans, master plans, and historical or archaeological research;

development of temporary or traveling exhibits;

repair to current exhibits;

costs of repairs or maintenance that are normally anticipated to occur;

remodeling of a limited nature or scope, that is not done as part of a larger bondable project;

costs of staff or resident labor and material;

operational and administrative expenses;

installation of fire alarms, smoke detectors, or connections of building monitoring systems to a central or off-site central monitor, unless included in a larger bondable project; and

purchase of vehicles or construction equipment.

~~"Capital Expenditure" means an outlay of capital that results in the acquisition of property or permanently improves its value or usefulness. For purposes of this program, capital expenditures include, but are not limited to, one or more of the following: land and building acquisition; demolition (in preparation for additional work); site preparation and improvement; utility work; new construction; rehabilitation, major renovations, or expansion of buildings and structures; original furnishings and equipment; replacement of currently utilized assets, by a better asset including permanent exhibits; and any other work that significantly increases the service potential of a building, structure, or exhibit as well as necessary project management fees and associated architectural planning and engineering design services. Acquisition of museum collections, objects, or specimens is not considered a capital expenditure.~~

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"Care" means the keeping of adequate records pertaining to the provenance, identification and location of the museum's holdings, and the application of current professionally accepted methods to their security and to the minimization of damage and deterioration.

"Certification" means an attestation by a unit of local government that a museum that is not operated by or located on land owned by a unit of local government meets the eligibility criteria established in State law.

"Community" means the population base normally served by the public museum.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Department.

"Fiscal Agent" means an affiliated entity that may expend and receive funds on behalf of the public museum. If grant funds are to be distributed to a fiscal agent on behalf of the public museum, the chief executive officer or the public museum must sign a statement certifying~~A certification statement must be signed by the chief executive officer of the public museum if grant funds are to be distributed to a fiscal agent on behalf of the public museum. The certification shall reflect:~~

that there is an ongoing relationship between the public museum and the fiscal agent;

that the fiscal agent may incur expenses for the public museum's project; and

that grant funds will be used specifically for the public museum's~~museum~~ project.

"Matching Funds" means local government and/or private funds committed to the proposed project. State and federal funds are not eligible as matching funds, equal to at least two-thirds of the incurred capital expenditures considered integral to the overall approved grant project scope. Matching funds cannot include federal or other State funds.

"Nonprofit" means that the public museum has documentary evidence of its tax-exempt status under the regulations of the U.S. Internal Revenue Service.

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"Organized" means that the public museum is a duly constituted body with expressed responsibilities.

"Permanent" means that the public museum has been open to the public, for its instruction and enjoyment, ~~existed~~ for at least 2 years and is expected to continue in perpetuity.

"Professional Staff" means that the public museum has at least one paid employee, who commands an appropriate body of special knowledge and the ability to reach museological, zoological, aquarium, or botanical (whichever shall be applicable) decisions consonant with the experience of his or her peers, and who has access to and acquaintance with the literature of the field, and that such employee works sufficient hours to meet adequately the current demands of administration and care.

"Public Museum" means a facility that has been open to the public, for its instruction and enjoyment for at least two years and that is operating for the purposes of promoting cultural development through special activities or programs or performing arts and acquiring, conserving, preserving, studying, interpreting, enhancing, and, in particular, organizing and continuously exhibiting (subject to temporary interruption due to construction or catastrophe) specimens, artifacts, tangible objects, articles, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic import.

"Schedule" means regular and predictable hours which constitute substantially more than a token opening, so that access is reasonably convenient to the public.

"Tangible Objects" means specimens, artifacts, articles, documents; non-domesticated plants or animals, including fish; and other things of historical, anthropological, archeological, industrial, scientific or artistic import that form the public museum collections and have intrinsic value to history, science, art or culture.

"Unit of Local Government" means counties, municipalities, townships, special districts and units, designated as units of local government by Illinois law, which exercise limited governmental power or powers in respect to limited governmental subjects, but does not include school districts.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

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Section 3200.15 Purpose

The Public Museum Capital Grants Program is designed to help public museums in Illinois expand and upgrade facilities and create new exhibits and other physical facilities to enhance the public museums' ~~abilities~~ability to meet their ~~educational~~mission. ~~The program provides up to 33 1/3% funding assistance on a reimbursement basis to eligible applicants for approved capital expenditures on public museum facilities.~~

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.20 Eligibility Criteria

- a) ~~Subject to restrictions inherent to certification (see Section 3200.35) based on the available funding sources, e.g., Capital Development Bond Funds, any~~ Any public museum located in Illinois ~~may~~shall be eligible ~~to submit one application per grant cycle~~for grants for a capital ~~project~~ purposes-if it establishes to the reasonable satisfaction of the Director that:
- 1)a) It is a public museum that has been ~~open to the public, for its instruction and enjoyment, for at least two years; in existence for two years and that is operated by or located upon land owned by a unit of local government;~~
 - 2) ~~It is operated by or located upon land owned by a unit of local government or has been certified as a public museum in accordance with Section 3200.35~~
 - 3)b) It is an organized, permanent institution that is tax exempt under the regulations of the U.S. Internal Revenue Service;
 - 4)e) It meets generally accepted professional standards as in the accreditation programs of the American Association of Museums, American Zoo and Aquarium Association, American Association of Botanical Gardens and Arboretums, and other appropriate organizations;
 - 5)d) It has a professional staff;
 - 6)e) It cares for and owns or utilizes tangible objects;

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- ~~7) f)~~ It is open to the public on a regular schedule and regularly collects attendance data and maintains sufficient records such that the attendance numbers can be audited;
- ~~8)~~ It presents regularly scheduled programs and exhibits that use and interpret objects for the public according to accepted standards; g) It devotes the majority of its floor space or grounds and professional staff effort to museological purposes; h) It can match a State grant with \$2 of local or private support for each \$1 of State money; and
- ~~9) i)~~ It has filed timely reports and complied with requirements for previous grant awards; and-
- ~~10)~~ It can provide matching funds of the following amount:
- ~~A)~~ \$2 matching funds for each \$1 of State money for a public museum with an attendance of 600,000 or more during the preceding calendar year; or
 - ~~B)~~ \$1 of matching funds for each \$1 of State money for a public museum with an attendance of over 300,000 but less than 600,000 during the preceding calendar year; or
 - ~~C)~~ No matching funds are required for a public museum with an attendance of 300,000 or less during the preceding calendar year.
- ~~b)~~ The capital project for which the museum is applying must be clearly defined and must meet all of the following criteria:
- ~~1)~~ Project costs must be eligible "Capital Expenditures" as defined in Section 3200.10;
 - ~~2)~~ Project expenses will not be recurring;
 - ~~3)~~ The project is of a durable nature and not consumed in use;
 - ~~4)~~ The project is not subject to inherent risk of failure or rapid technological obsolescence, or primarily intended to fulfill temporary requirements or needs; and

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- 5) The project appreciably increases, improves or enhances the property, land, building or asset to be developed, constructed or improved.
- c) Grants to public museums not located on public property may be prohibited if the appropriation funding source is limited to bond funds that cannot be expended on private property.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.35 Certification by a Unit of Local Government

- a) Museums with an annual indoor attendance of 150,000 or more, which are not operated by or located on land owned by a unit of local government, must provide a certification by a unit of local government to show eligibility for grant funding. The certification is an attestation by the unit of local government that a museum that is not operated by or located on land owned by a unit of local government meets eligibility criteria established in State law. The certification notwithstanding, it is possible that restrictions inherent to the funding source, e.g., Capital Development Bond Funds, may preclude museums that are only eligible through this process from receiving grant assistance. The certification must be in accordance with the following procedures:
 - 1) Museums located within the boundaries of a municipality must submit a certification approved by the municipality's elected governing body. Museums located outside municipal boundaries must submit a certification approved by the county's elected governing body.
 - 2) The approved certification must be submitted at the time of application. The certification may be subject to audit.
 - 3) The certification must be in the form, and approved using the process, normally used by the unit of local government for similar resolutions or actions. The certification must attest that the museum:
 - A) is operating for the purposes of promoting cultural development through special activities or programs or performing arts, and acquiring, conserving, preserving, studying, interpreting, enhancing, and, in particular, organizing and continuously exhibiting specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial,

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scientific or artistic import, to the public for its instruction and enjoyment; and

B) has an annual indoor attendance of at least 150,000 and offers educational programs to school groups during school hours.

b) Public museums operated by or located on land owned by a unit of local government are not required to provide this certification.

c) Museums eligible for certification as a public museum must have long-term ownership of or long-term lease agreement for the property.

(Source: Added at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.40 Application Procedure

a) Any public museum seeking a grant for capital purposes in the current year shall submit the required number of copies of~~send 5 copies of~~ a completed application, as specified ~~supplied~~ by the Department, and one copy of each attachment, that includes:

1) Application Form.

2) Statement by the chief executive officer of the public museum attesting: Certification Statement executed by the chief executive officer of the public museum that states that the museum is in compliance with the eligibility criteria of this program.

A) that the public museum is in compliance with the eligibility criteria of this program;

B) that adequate records are kept to document the annual attendance number at the public museum's facility during the preceding calendar year; and

C) that, if grant funds are to be distributed to a fiscal agent on behalf of the public museum, there is an ongoing relationship between the public museum and the fiscal agent; the fiscal agent may incur expenses for the public museum's project; and grant funds will be used specifically for that project.

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- 3) Project Narrative Statement.
 - 4) Development Data Form including costs, a conceptual plan, and construction schedule. ~~5) Land Acquisition Data, if applicable.~~
 - ~~5)6)~~ The annual report of the public museum for the year preceding its application or, if not available, a current brochure describing the museum's programs.
 - ~~6)7)~~ Cultural Resources, Endangered Species and Wetlands Review Report (CERP), including a county map that identifies the museum's and, if different, the project's location. ~~8) If funds are to be distributed by the Department to a fiscal agent on behalf of the public museum, a certification statement must be signed by the chief executive officer of the public museum. The certification will state: A) that there is an ongoing relationship between the museum and the fiscal agent; B) that the fiscal agent may incur expenses for the museum's project; and C) that grant funds will be used specifically for that project.~~
- b) If a museum is not operated by or located on land owned by a unit of local government, it must submit a certification in accordance with Section 3200.35. ~~Public museums may submit only one application during an application period.~~

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.60 Review Criteria and Selection Procedure

- a) Technical and Program Review
Department staff will review the project application for:
 - 1) Completeness of application.
 - 2) Evidence that the public museum meets all eligibility criteria, as defined in Section 3200.20.
 - 3) Evidence that the capital project meets the eligibility criteria as defined in Section 3200.20.

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- ~~4)~~ Evidence that the public museum has long term future occupancy rights for the property.
 - ~~5)~~ Evidence that the project is part of a capital planning process.
 - ~~6)3)~~ Project's feasibility with regard to operational capacities of the public museum.
 - ~~7)~~ Evidence of the public museum's ability to complete the project successfully, including the availability of adequate financial resources.
 - ~~8)4)~~ Adequacy of cost estimates and construction schedule estimates.
 - ~~9)5)~~ Evidence of community support and meetingMeeting community needs.
 - ~~10)6)~~ Effectively enhancing the public museum's ability to meet its educational mission.
 - ~~11)7)~~ Expanding audiences, including reaching underserved groups.
 - ~~12)8)~~ Compliance with requirements of previous grant awards.
- b) Peer Review Panel
- 1) The Director will appoint a panel of 5 citizens with backgrounds and experience relevant to the activities of public museums and their educational contributions who will review proposals and then make recommendations for funding. Such citizens shall not be current employees of any museums in the State of Illinois that are eligible to apply for this grant program. The Director shall have the authority to call upon the expertise of non-residents of the State for additional advice on the program and its administration.
 - 2) Names of candidates for the peer review panel will be solicited from museums throughout Illinois.
 - ~~3)~~ In developing recommendations for funding, consideration may be given to the scale of the project in relationship to the public museum's operating budget, annual attendance, and size and capacity of the staff.

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- c) Staff Recommendation
Department staff will evaluate proposals based on criteria outlined above, consider recommendations from the peer review panel, and recommend to the Director priorities for funding.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.65 Awards

- a) Award Limit. The Department shall establish on an annual basis the maximum grant award a public museum may receive; however, the maximum grant award shall be no more than 10% of the annual appropriation, excluding funds that may be reappropriated from a preceding year. The Department shall announce the maximum grant award in conjunction with announcing the annual grant application schedule.
- b) Reappropriation of Funds. The Department will seek reappropriation of funds for approved grant projects that are not completed by the end of the State Fiscal Year. Obligations of the State will cease immediately without penalty or further payment being required if in any fiscal year the Illinois General Assembly fails to appropriate or otherwise make sufficient funds available for approved grant projects. Reappropriation of funds will be sought for projects approved for funding that have not been completed and reimbursement sought in the fiscal year that the project was approved.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.70 Eligible Expenses

Eligible Expenses are defined as:

- a) Expenses that meet the definition of Capital Expenditures as defined in Section 3200.10.
- b) Expenses that are pursuant to the scope of work as agreed upon and approved by the Department. Grant funds~~The State's one-third match~~ can only be used for capital expenditure costs incurred after the Project Agreement is executed, except that expenditures incurred after July 1 of the fiscal year in which the grant award is made may be eligible for reimbursement if the public museum received a

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~~capital grant in the previous fiscal year and if the proposed project is a continuation of the previous project and was not reimbursed in the previous grant award. July 1 of the fiscal year in which the grant award is made. Expenditures incurred back to July 1, 1998 may be eligible for reimbursement if the public museum received a capital grant in FY99 and if the proposed project is an integral component of the FY99 project and was not reimbursed in the FY99 grant award.~~

- c) Expenses incurred directly by the public museum, or expenses incurred specifically for the public museum's project by the public museum's fiscal agent.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.80 Process for Payment

- a) The public museum or fiscal agent representing the public museum enters into a Project Agreement with the Department.
- b) Public museums ~~that who~~ have been awarded capital grants must submit project billing ~~documentation requests (expenditure statements), certified by the public museum's chief executive officer or chief financial officer,~~ listing and verifying all funds expended on the project for which grant reimbursement is sought; as well as required billing documentation as follows:
- ~~1) Acquisition of Property: Proof of good faith negotiations or fair market value offer to land seller, copy of warranty deed (Judgment Order in case of condemnation and title insurance for any deed less than warranty) showing ownership transferred to the local project sponsor, and copies of documents showing proof of payment to seller.~~
 - 1)2) Development of Permanent Improvements: Public Museum Capital Grant expenditure statement certified by the chief executive officer or chief financial officer. Copy of receipts/invoices for project costs, and copy of documents showing proof of payment.
 - 2) Project Billing Request: Reimbursement of project expenditures will be made with the Department's instructions, which will be specified in the Implementation and Billing Requirements provided to public museums at the time Project Agreements are negotiated.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.90 Program Information/Contact

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Illinois State Museum, Museum ~~Grants~~Grant's Program Office
~~502 S. Spring Street~~Spring and Edwards Streets
Springfield, IL 62706-5000
Phone: 217.782.5992; Fax: 217. 782.1254
~~email: museumgrants@museum.state.il.us~~

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

SUBPART B: PUBLIC MUSEUM OPERATING GRANTS PROGRAM~~GRANT RULES~~**Section 3200.100 Definitions**

"Attendance" means the documented number of visitors at the public museum's facility or facilities for the preceding calendar year.

"Care" means the keeping of adequate records pertaining to the provenance, identification and location of the museum's holdings, and the application of current professionally accepted methods to their security and to the minimization of damage and deterioration.

"Community" means the population base normally served by the museum.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Department.

"Fiscal Agent" means an affiliated entity ~~that~~which may expend and receive funds on behalf of the public museum. If grant funds are to be distributed to a fiscal agent on behalf of the public museum, the chief executive officer of the public museum must sign a statement certifying: A certification statement must be signed by the chief executive officer of the public museum if grant funds are to be distributed to a fiscal agent on behalf of the public museum. The certification shall state:

that there is an ongoing relationship between the public museum and the fiscal agent;

that the fiscal agent may incur expenses for the public museum's project;
and

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that grant funds will be used specifically for the public ~~museum~~ museum project.

"Museum Education Program" means utilizing the resources of the museum for formal or informal learning opportunities for school children, teachers, or other citizens through face to face interactions or through educational technology, including educational technology partnerships. The public museum shall have at least one employee who devotes the preponderance of his/her time to offer "Museum Education Programs". This person is expected to command an appropriate body of special knowledge in museum education consonant with the experience of his or her peers, to have access to and acquaintance with the literature of the field, and to work sufficient hours to meet adequately the current demands for museum educational services.

"Nonprofit" means that the public museum has documentary evidence of its tax-exempt status under the regulations of the U.S. Internal Revenue Service.

"Operating Expenditures" means funds actually expended by a public museum or its fiscal agent for the recurring day-to-day expenses that are ordinary and necessary to maintain and operate the facility for its principal purpose as a public museum. These expenditures shall include:

the total amount of program and supporting services expenses (management and general) and fundraising expense that is reported on the entity's audited financial statements;

depreciation expense for the buildings, movable equipment, and other types of personal property; and

interest expenses on funds borrowed to finance operating expenditures.

"Organized" means that the public museum is a duly constituted body with expressed responsibilities.

"Permanent" means that the public museum has been open to the public, for its instruction and enjoyment, ~~existed~~ for at least 2 years and is expected to continue in perpetuity.

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"Professional Staff" means that the public museum has at least one paid employee who commands an appropriate body of special knowledge and the ability to reach museological, zoological, aquarium, or botanical (whichever shall be applicable) decisions consonant with the experience of his or her peers, who has access to and acquaintance with the literature of the field, and who works sufficient hours to meet adequately the current demands of administration and care.

"Public Museum" means a facility that has been open to the public, for its instruction and enjoyment, for at least two years and that is operating for the purposes of promoting cultural development through special activities or programs or performing arts, and acquiring, conserving, preserving, studying, interpreting, enhancing, and, in particular, organizing and continuously exhibiting (subject to temporary interruption due to construction or catastrophe) specimens, artifacts, tangible objects, articles, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic import.

"Schedule" means regular and predictable hours that constitute substantially more than a token opening, so that access is reasonably convenient to the public (subject to temporary interruption due to construction or catastrophe).

"Tangible Objects" means specimens, artifacts, articles, documents; non-domesticated plants or animals, including fish; and other things of historical, anthropological, archeological, industrial, scientific or artistic import that form the public museum's collections and have intrinsic value to history, science, art or culture.

"Unit of Local Government" means counties, municipalities, townships, special districts and units, designated as units of local government by Illinois law, that exercise limited governmental power or powers in respect to limited governmental subjects, but does not include school districts.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.120 Eligibility Criteria for Applicant Facilities

A public museum located in Illinois shall be eligible to submit one application per grant cycle for operating purposes if it establishes to the reasonable satisfaction of the Director that~~Any public museum located in Illinois shall be eligible for financial support through the operating grant program for its museum education program if it establishes to the reasonable satisfaction of the Director that:~~

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- a) It is a public museum that is operated by or located upon land owned by a unit of local government or has an annual indoor attendance of at least 150,000 and offers educational programs to school groups during school hours;
- b) It has been open to the public, for its instruction and enjoyment, for at least two years;
- c)It It is an organized, permanent institution that is tax exempt under the regulations of the U.S. Internal Revenue Service;
- d)e It meets generally accepted professional standards as in the accreditation programs of the American Association of Museums, American Zoo and Aquarium Association, American Association of Botanical Gardens and Arboretums and other appropriate organizations;
- e)d It has a professional staff;
- f)e It cares for and owns or utilizes tangible objects;
- g)f It is open to the public on a regular schedule, and regularly collects attendance data and maintains sufficient records such that the attendance numbers can be audited; ~~g)It devotes the majority of its floor space or grounds and professional staff effort to museological purposes;~~
- h) It presents regularly scheduled programs and exhibits that use and interpret objects for the public according to accepted standards;
- i)It It has an established Museum Education Program; and
- j)It It has filed timely reports and complied with requirements for previous grant awards.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.130 Application Procedure

a)A public museum seeking a grant for operating purposes in the current year shall submit the required number of copies of a completed application, as specified by the Department, which includesAny public museum seeking a grant for operating purposes under this Part shall submit 3

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~~copies of the completed application forms supplied by the Department, and one copy of each attachment, that includes:~~

- ~~a)1)~~ An Application Form;
- ~~b)2)~~ A narrative statement describing the ~~public museums~~~~museum~~ education program and how the financial assistance will enhance the ~~public museum's~~~~museum~~ education program;
- ~~c)3)~~ A statement describing the qualifications of the educator in charge of the program (including the curriculum vitae);
- ~~d)4)~~ A brochure describing educational offerings or school services (if available);
- ~~e)5)~~ The annual report of the public museum for the year preceding its application;
- ~~f)6)~~ A ~~certification~~ statement executed by the public museum's chief executive officer that certifies that the public museum is in compliance with the eligibility criteria of this program;
- ~~g)7)~~ A ~~certification~~ statement ~~executed~~~~signed~~ by the public museum's chief financial officer that ~~certifies~~~~states~~ that the amount of operating expenditures claimed in accordance with Section 3200.160 of this Part is accurate and complies with this Part;
- ~~h)8)~~ The audited financial statements of the public museum prepared by a certified public accountant for the 2 years preceding the public museum's application and the written reconciliation statement as required by Section 3200.160(c)(3) of this Part. Grants to museums without audited financial statements will be limited to the minimum award;
- ~~i)9)~~ An audit statement from an affiliated entity, or a letter of certification listing expenditures and signed by the chief executive officer of the affiliated entity if expenditures have been made by the affiliate on behalf of the public museum and claimed by the public museum as operating expenditures; ~~10)If funds are to be distributed by the Department to a fiscal agent on behalf of the public museum, a certification statement must be signed by the chief executive officer. The certification shall reflect: A)that there is an ongoing relationship between the museum and the fiscal agent; B)that the fiscal agent may incur expenses for the museum's project; and C) that grant funds will be used specifically for the~~

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~~museum project. b)Public museums may submit only one grant application during an application period.~~

- j) A statement by the chief executive officer of the public museum attesting:
- 1) that the public museum is in compliance with the eligibility criteria of this program;
 - 2) that adequate records are kept to document the annual attendance number at the public museum's facility during the preceding calendar year; and
 - 3) that, if grant funds are to be distributed to a fiscal agent on behalf of the public museum, there is an ongoing relationship between the public museum and the fiscal agent; that the fiscal agent may incur expenses for the public museum's project; and that grant funds will be used specifically for that project.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.160 Method for Awarding Grants

- a) Contribution Amount – Each eligible public museum applying for financial assistance pursuant to this Part may receive financial assistance in an amount determined by the following formula:
- 1) A proportionate amount equal to the fraction obtained by dividing the applicant's average operating expenditures by the aggregate operating expenditures of all eligible applicants, except that:
 - A) The administrative costs to operate the program, not to exceed 5% of the total appropriation, will be deducted from the appropriation before calculating the awards to determine the amount remaining for financial assistance.
 - B) No qualifying public museum may receive more than 10% of the amount remaining for financial assistance after administrative costs are deducted.

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- C) Except as provided in subsection (a)(3)~~below~~, no qualifying museum may receive less than 0.2% of the amount remaining for financial assistance after administrative costs are deducted.
 - D) No qualifying museum may receive more than 50% of its total operating budget.
- 2) In the event there is a balance left after the awards have been computed, the surplus will be allocated to museums on a prorated basis. The surplus balance shall be allocated proportionately to those museums not receiving the minimum or maximum awards from the initial computations. No museum may receive more than 10% of the amount remaining for financial assistance, after administrative costs have been deducted, and no museum may receive more than 50% of its total operating budget.
 - 3) In the event there is a deficit after the awards have been computed, the amount of the deficit will be prorated against all awards. The amount of deficit prorated to each award will be calculated by taking the initial award allocations as calculated above, including the adjustments for minimums and maximums divided by the aggregate awards to determine the allocation fraction and applying it to the deficit. The result will be subtracted from the initial award amount.
- b) Allocation Procedure – A contribution amount shall be determined by the following sequence of procedures:
 - 1) The total operating expenditures of each public museum during its 2 fiscal years preceding its application shall be divided by 2 in order to determine the amount of average operating expenditures of each public museum;
 - 2) The average operating expenditures of all eligible public museums shall be added together in order to determine the amount of aggregate operating expenditures of all public museums;
 - 3) The average operating expenditures of each public museum shall be divided by the aggregate operating expenditures of all public ~~museums~~~~museum~~ in order to determine the allocation fraction of each public museum:

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- A) If the allocation fraction is more than 10% of the amount remaining for financial assistance, the award will be adjusted as required in subsection (a)(1)(B).
 - B) If the allocation fraction is less than 0.2% of the amount remaining for financial assistance, the award will be adjusted as defined in subsection (a)(1)(C).
- c) Operating Expenditures – For purposes of this Part, the amount of operating expenditures, as defined in Section 3200.100, shall be derived by the public museum from the total amount of program and supporting services expense that is reported on its audited financial statement. However, to accommodate variations among applicants in accounting methods and expense descriptions on the financial statements, each public museum shall examine its financial statements in conformity with subsections (c)(1) and (2).
- 1) Operating expenditures may specifically include the following or similar ~~type~~ of expenses:
 - A) Expenditures from restricted and unrestricted accounts that are ordinary and necessary for the public museum's routine day-to-day operations, including salaries and benefits, products and services, and routine maintenance and repairs. Restricted funds are those whose use is restricted by outside agencies or persons as contrasted with funds over which the organization has complete control and discretion. Unrestricted funds are those that have no external restriction on their use or purpose, that is, funds that can be used for any purpose designated by the governing board as distinguished from funds restricted externally for specific purposes (for example, operations, plant, and endowment).
 - B) The depreciation expense for capital assets may be included.
 - C) All expenditures from current restricted accounts that qualify as operating expenditures as defined under this subsection (c). Excluded from operating expenses are the capital expenditures listed in subsection (c)(2)(E). For example, expenditures related to the development of museum exhibitions and displays may be included even if made from a fund that is limited for this purpose. Expenditures from restricted accounts for preliminary planning or

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schematic design work are also allowable, including architectural, engineering, design, and consultant fees related to routine maintenance or rehabilitation.

- D) Direct expenditures made on behalf of the public museum by an affiliated entity, provided that they are ordinary and necessary for the day-to-day operations of the public museum and are separately itemized and verified in writing by the chief executive officer or chief financial officer affiliated entity. As used in this subsection (c)(1)(D), "direct expenditures" means expenditures that are identified specifically with the public museum and are incurred by the affiliated entity only for the museum's project.
 - E) The depreciation expense for movable equipment and other types of personal property may be included.
 - F) Interest expenses on funds borrowed by the public museum to finance expenditures that are otherwise allowable under this Part.
 - G) Expenses incurred by the public museum for the cost of educational, food service and gift shop activities may be included in the operating expenditure total. The receipts from these activities should not be deducted from the expenditure total.
- 2) Operating expenditures shall not include any of the following or similar types of expenses:
- A) Transfers made to or between the public museum's accounts or funds;
 - B) Losses or other costs associated with loans and/or investments made by the public museum;
 - C) Expenses for the direct and indirect costs of programs operated by the public museum that are unrelated to museological purposes. For example, the costs of salaries, equipment, facilities and other direct and indirect costs of a school with a regular curriculum that is run by the public museum are not allowable;

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- D) Capital expenditures from restricted accounts, including but not limited to:
- i) real property;
 - ii) buildings, additions and/or structures (including site development and associated fixed equipment);
 - iii) extensive remodeling and/or rehabilitation work or site improvement; and
 - iv) utilities – lines fees, tapping fees, meter fees and other expenses not related to normal daily consumption;
- E) Expenditures for repayment of principal on funds borrowed by the public museum.
- 3) If the amount of operating expenditures claimed by the public museum under this Part is not the same as a reported expense amount on the audited financial statement, the public museum shall prepare a reconciliation statement. This explanation shall describe in detail for the reviewer to understand the amount and purpose of each expense added to or subtracted from the amount of expense reported in the audited financial statements in arriving at operating expense.
- d) The Director shall determine and approve the amount that each eligible public museum receives as contribution under this Part.

(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

Section 3200.170 Program Information/Contact

For additional information on the public museum operating grant rules contact:

Illinois State Museum, Museum Grants [Program](#) Office
[502 S. Spring Street](#)~~Spring and Edwards Streets~~
Springfield IL 62706-5000
Phone: 217.782.5992; Fax: 217.782.1254
[email: museumgrants@museum.state.il.us](mailto:museumgrants@museum.state.il.us)

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(Source: Amended at 28 Ill. Reg. 2201, effective January 26, 2004)

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- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1270.10	Amendment
1270.30	Amendment
1270.45	Amendment
1270.58	Amendment
- 4) Statutory Authority: Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330]
- 5) Effective Date of Amendments: January 23, 2004
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 3, 2003, at 27 Ill. Reg. 15305.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 1270.45(a)(5) was changed to directly state that a resident land surveyor could supervise the land surveying operations of only one office, and that their daily business was to be conducted in their office or field locations. Several non-substantive technical changes were also made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements the provisions contained in PA93-467. Section 1270.10 is amended to clarify the requirements for

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obtaining experience as a land surveyor; Section 1270.30 is amended to clarify the evaluation process for graduates of foreign programs; Section 1270.45 is amended to more clearly define a resident land surveyor in Illinois; and Section 1270.58 provides additional standards for acceptable seal requirements.

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

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section

1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Professional Design Firm
1270.50	Renewals
1270.52	Fees
1270.55	Land Surveyor Complaint Committee
1270.56	Minimum Standards of Practice
1270.57	Standards of Professional Conduct
1270.58	Seal and Signature Requirements
1270.60	Granting Variances
1270.65	Professional Development
1270.APPENDIX A	Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill.

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Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg. 14252, effective October 15, 1997; amended at 24 Ill. Reg. 576, effective December 31, 1999; amended at 24 Ill. Reg. 13719, effective August 28, 2000; amended at 24 Ill. Reg. 17548, effective November 20, 2000; amended at 25 Ill. Reg. 3865, effective March 1, 2001; amended at 26 Ill. Reg. 12263, effective July 24, 2002; amended at 28 Ill. Reg. 2228, effective January 23, 2004.

Section 1270.10 Application for Licensure as a Professional Land Surveyor by Examination

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Department, by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

- a) Verification of education.
- b) Proof of holding a license as a Professional Land Surveyor-in-Training.
- c) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed as a Surveyor-in-Training and/or Land Surveyor and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) Verification of experience form, completed by a professional licensed land surveyor who was in direct supervision and control of his or her activities~~the supervisor who is a licensed land surveyor~~, indicating at least 4 years of

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responsible charge experience in land surveying as set forth in Section 1270.13.

- e) A complete work history indicating all employment since passage of the Fundamentals of Surveying examination.
- f) The required fee specified in Section 1270.52.
- g) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.
- h) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants may ~~shall~~ obtain ~~the~~ forms from the American Association of Collegiate Registrants, 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs-National Council of Examiners for Engineers (NCEES), P.O. Box 1686, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in this Section and Section 1270.15.

(Source: Amended at 28 Ill. Reg. 2228, effective January 23, 2004)

Section 1270.30 Endorsement

- a) An applicant who is licensed or registered to practice Land Surveying as a Professional Land Surveyor or a Professional Land Surveyor-in-Training under the laws of another state or territory of the United States who desires to become licensed by endorsement shall file an application with the Department together with:
 - 1) Proof that the applicant has met the requirements substantially equivalent to those in force in this state for a Licensed Professional Land Surveyor at the time of original or subsequent licensure by examination in the other state or territory, including certification of education, and verification of

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experience as appropriate;

- 2) A certification by the state or territory of original licensure and certification from the state or territory of predominant active practice, including the following:
 - A) The time during which the applicant was licensed in that state or territory, including the date of the original issuance of the license;
 - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and
 - C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;
- 3) A complete work history indicating all employment since fulfillment of educational requirements;
- 4) The required fee specified in Section 1270.52;
- 5) Applicants who received a license after January 1, 1997 and who received their education in a foreign country shall have the education evaluated at their expense. Applicants ~~may shall~~ obtain ~~the~~ forms from the [American Association of Collegiate Registrants, 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs-National Council of Examiners for Engineers \(NCEES\), P.O. Box 1686, Clemson, South Carolina 29633-1686](#). The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in this Section and Section 1270.15;
- 6) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who were licensed after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was

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taught in English.

- b) An applicant for licensure under this Section shall be required to appear before the Board for an oral interview if the Department has questions about the applicant's application, because of discrepancies or conflicts in information, information needing further clarification and/or missing information.
- c) Applicants for licensure on the basis of endorsement shall successfully complete the Illinois Jurisdictional Examination as set forth in Section 1270.20.
- d) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in force in the State of Illinois. The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of such application.

(Source: Amended at 28 Ill. Reg. 2228, effective January 23, 2004)

Section 1270.45 Professional Design Firm

- a) Persons who desire to practice land surveying in the State of Illinois in the form of a corporation, professional service corporation, partnership, limited liability company or limited liability partnership or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405]) pursuant to Section 25 of the Act, shall file an application with the Department on forms provided by the Department, together with the following:
 - 1) For Corporations or Professional Service Corporations. (Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12]).
 - A) The name of the corporation and its registered address, the names of all members of the board of directors and officers, and the name of the state and license number for each director who is a licensed design professional.
 - B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that

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jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in the State of Illinois issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide land surveying services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration.

- C) A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in Illinois. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
 - D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.
 - E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- 2) For Partnerships.
- A) General
 - i) A copy of the signed and dated partnership agreement authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
 - ii) A signed and dated resolution adopted by the general partners designating a regular full-time employee of the partnership who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in

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this State. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.

- iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.
- iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership

- i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
- ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed land surveyor in this State as the managing agent in charge of land surveying activities. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
- iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

3) For Limited Liability Companies or Limited Liability Partnerships.

- A) An application containing the name of the limited liability company or partnership, the business address and the

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members/partners of the company/partnership, the name of the state and the license number of each member/partner licensed as a design professional.

- B) A signed and dated resolution of the members or partners designating a full-time employee who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the managing agent shall also be included in the resolution.
 - C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer land surveying services.
 - D) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
 - E) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
- 4) For Sole Proprietorships with an Assumed Name.
- A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the land surveyor who owns and operates the business.
 - B) A letter or certificate received from the county clerk where an assumed name has been filed.
- 5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides land surveying services. *Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident land surveyor overseeing the land surveying practices in each location in which land surveying services are provided.* (Section 25(h) of the Act) A resident professional land surveyor shall be assigned to supervise land surveying operations in only one office. Each resident professional land surveyor shall conduct his or her daily

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~~business in his or her assigned office or field locations. A resident land surveyor is defined as an Illinois Licensed Land Surveyor who is physically present in the office supervising the professional land surveying operations a minimum of 40 hours a week or 80 percent of the hours the office is open, whichever is greater.~~

- 6) The fee required in Section 1270.52.
- b) A professional design firm may designate more than one managing agent in charge of land surveying activities.
- c) Upon receipt of the above documents and review of the application, the Department shall issue a registration authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of land surveying or notify the applicant in writing of the reason for the denial of the application.
- d) Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship with an assumed name shall be responsible for notifying the Department in writing within 30 days after any changes in:
 - 1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners;
 - 2) The licensure status of any of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional members of the board of directors; and
 - 3) An assumed name.
- e) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Department in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the land surveyor licensed in Illinois who is the newly designated managing agent.

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- f) Any failure to notify the Department as required in subsections (d) and (e) above or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 25 of the Act will subject the corporation, limited liability company/partnership or partnership to the loss of its registration to practice land surveying in Illinois.
- g) Sole Proprietorships. Any sole proprietorship owned and operated by a land surveyor who has an active Illinois license is exempt from the registration requirement of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietorship shall file an application in accordance with subsection (a)(4). Any sole proprietorship not owned and operated by an Illinois licensed land surveyor shall be prohibited from offering land surveying services to the public.
- h) In addition to the seal requirements in Section 15 of the Act, all documents or technical submissions prepared by the professional design firm shall contain the professional design firm registration number issued by the Department.

(Source: Amended at 28 Ill. Reg. 2228, effective January 23, 2004)

Section 1270.58 Seal and Signature Requirements

Every individual professional land surveyor shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor~~professional land surveyor~~, State of Illinois". A professional land surveyor shall seal all documents prepared by or under the direct supervision and control of the professional land surveyor. Any seal on a plat of survey, which bears the name of a professional design firm, rather than bearing the name of the individual licensed professional land surveyor responsible for the survey, shall be deemed an invalid seal. The individual licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. Signatures generated by computer or rubber stamp shall not be permitted. ~~Computer generated signatures will not be permitted.~~

(Source: Amended at 28 Ill. Reg. 2228, effective January 23, 2004)

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- 1) Heading of the Part: Community-Based Residential Rehabilitation Center Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 220
- 3) Section Number: 220.2800 Adopted Action: Amendment
- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]
- 5) Effective date of amendment: January 26, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: May 2, 2003; 27 Ill. Reg. 7591
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Difference between proposal and final version:

The following changes were made in response to comments received during the First Notice or public comment period:

1. In the heading for Section 220.1300 in the Table of Contents, "Model" was changed to "Models".
2. A period was added at the end of the Authority Note.
3. In Section 220.2800(a)(15), "or disabled" was stricken and "or a person with a disability" was added.
4. In Section 220.2800(a)(26), "or" was stricken, the semi-colon was stricken and ", " was added.
5. In Section 220.2800(a)(27), "and" was added after "407".

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6. In Section 220.2800(b), "~~subsections (a)(1) to (27) of~~" was changed to "subsections subsection (a)(1) to (27) of".
7. In Section 220.2800(e)(3), the equal sign was changed to an apostrophe.
8. In Section 220.2800(f), line 2, "s" was stricken and "w" was added.
9. In Section 220.2800(i)(2), "health care employe" was underlined and "~~Model~~" was added.
10. In Section 220.2800(l) "~~of~~" as stricken and "after" was added.
11. In Section 220.2800(o), "Notwithstanding . . . Section," was deleted; "an" was changed to "An"; ", compliance with orders of protection" was deleted.
12. In Section 220.2800(p), ", acting through a waiver committee or through another internal process it implements" was deleted.
13. In Section 220.2800(p)(9), the equals signs were changed to apostrophes.
14. The last sentence in subsection (p) was deleted.
15. In Section 220.2800(q) and (r), "Notwithstanding . . . Section," was deleted; "waivers" was changed to "Waivers".
16. In Section 220.2800(q) and (r), "unless" . . . writing" was deleted.
17. In Section 220.2800(q), "A" and "@" were changed to quotation marks.
18. In Section 220.2800(q)(1)-(6), "application" was changed to "consideration".
19. In Section 220.2800(q)(1) and (4), "completion . . . imposed" was deleted.
20. In Section 220.2800(q)(2), (3), (5) and (6), "completion . . . later of" was deleted; "or . . . conviction" was deleted.
21. In Section 220.2800(r)(2), "or" was deleted; "or concealment of a homicidal death" was added; "9-1.2," "9-2.1," and "9-3.1, 9-3.2, and 9-3.3" were added.

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22. In Section 220.2800(r)(4) "heinous battery or infliction of great bodily harm" was added; "Section" was changed to "Sections"; "12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6 and 12-4.7" was added.
23. In Section 220.2800(r)(5), each "and" was deleted; commas were added after each "13"; ", and 12-14.1" was added.
24. A new subsection (s) was added:

"s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)".
25. Subsection "s" – "z" were changed to "t" – "aa".
26. In Subsection 220.2800(v)(2), "States Attorneys" was changed to "State's Attorney's."
27. In Section 220.2800(w)(3), "*health care employer*" was underlined and "~~Model~~" was added.
28. In Section 220.2800(y), "facility" was underlined and "~~Model~~" was added.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Source Note, "emergency expired September 26, 2003;" was added after the April 30, 2003 emergency amendment citation.
2. In Section 220.2800(r)(2), "and" was deleted.
3. In Section 220.2800(s), "based on mitigating circumstances" was italicized.
4. In Section 220.2800(v), "subsections" was underlined, "~~subsection~~" was added, and "(1) to (27)" was underlined.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of the amendment: Section 220.2800 implements the provisions of the Health Care Worker Background Check Act. The rules are being amended to make changes in the waiver review process, by which an individual convicted of a “disqualifying” crime receives a waiver from the Department that allows the individual to work in a direct care position in a health care facility. Minimum time frames are being added. Waivers will not be granted to individuals with certain convictions. Requirements that must be met by waiver applicants are being added. The rulemaking also adds examples of "other evidence" demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. A provision is being added whereby the Director may grant a waiver to an individual who does not meet these thresholds.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 220
COMMUNITY-BASED RESIDENTIAL REHABILITATION CENTER
DEMONSTRATION PROGRAM CODE

Section	
220.1000	Definitions
220.1050	Referenced Materials
220.1100	Demonstration Program Elements
220.1200	Application for and Issuance of a License to Operate a Community-Based Residential Rehabilitation Center Model
220.1300	Obligations and Privileges of Community-Based Residential Rehabilitation Center Models
220.1400	Inspections and Investigations
220.1500	Notice of Violation and Plan of Correction
220.1600	Adverse Licensure Action
220.1700	Policies and Procedures
220.1800	Admission Practices
220.1900	Participant Assessment
220.2000	Individual Rehabilitation Plan
220.2100	Participant Rights
220.2200	Participant Care and Treatment Services
220.2300	Participant Record Requirements
220.2400	Residential Services
220.2500	Medication Administration
220.2600	Discharge and Follow-up Practices
220.2700	Personnel
220.2800	Health Care Worker Background Check
220.2900	Food Service
220.3000	Physical Plant
220.3100	Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 24 Ill. Reg. 6675, effective April 25, 2000; amended at 26 Ill. Reg. 11969, effective July 31, 2002; emergency amendment at 27 Ill. Reg. 7904, effective April 30,

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2003, for a maximum of 150 days; emergency expired September 26, 2003; amended at 28 Ill. Reg. 2240, effective January 26, 2004.

Section 220.2800 Health Care Worker Background Check

- a) The Model shall not *knowingly hire any individual in a position with duties involving direct care for participants* if that person *has been convicted of committing or attempting to commit one or more of the following offenses* (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]). The Model shall initiate background checks within six months after licensure of the Model for persons who were employed at the time of licensure.
- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));
 - 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));
 - 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
 - 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));
 - 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));

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- 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));
- 9) ~~Criminal sexual~~ ~~Sexual~~-assault or ~~criminal~~ sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse ~~and or~~ gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 11) Criminal ~~abuse or~~ neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars.

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16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));

- 15) Financial exploitation of an elderly ~~or disabled~~ person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
- 23) Armed violence – elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));

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- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));
 - 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));
 - 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, ~~or~~ delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709)); or
 - 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The Model shall not *knowingly employ or retain any individual in a position with duties involving direct care for residents* if that person *has been convicted of committing or attempting to commit one or more of the offenses listed in subsections ~~subsection (a)(1) to (27)~~ of this Section unless the applicant, employee or employer obtains a waiver pursuant to ~~subsections (m) and (o)~~ of this Section.* (Section 25(a) of the Health Care Worker Background Check Act)
 - c) *The Model shall not hire, employ, or retain any individual in a position with duties involving direct care of participants if the Model becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) of this Section, as verified by court records, records from a state agency, or an FBI criminal history record check. This shall not be construed to mean that the Model has an obligation to conduct a criminal history records check in other states in which an employee has resided.* (Section 25(b) of the Health Care Worker Background Check Act)
 - d) For the purpose of this Section:
 - 1) *"Applicant" means an individual seeking employment with a Model who has received a bona fide conditional offer of employment.*

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- 2) *"Conditional offer of employment" means a bona fide offer of employment by a Model to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsection (a) of this Section.*
 - 3) *"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs.*
 - 4) *"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)*
- e) For purposes of the Health Care Worker Background Check Act, the Model shall establish a policy defining which employees provide direct care. In making this determination the Model shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with participants, with the exception of infrequent or unusual occasions;
 - 3) Whether more than 50 percent of the employee's responsibilities include physical contact with participants, for example to provide therapy or to draw blood.
- f) When the Model *makes a conditional offer of employment to an applicant* who is not exempt under subsection (ws) of this Section, *for a position with duties that involve direct care for residents*, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the Model *must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant.* (Section 30(c) of the Health Care Worker Background Check Act)
- g) *The Model shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.* (Section 15 of the Health Care Worker Background Check Act)

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- h) The Model may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (e) of this Section.
- i) *The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:*
- 1) *That the Model shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.*
 - 2) *That the applicant or employee has a right to obtain a copy of the criminal records report from the health care employer-Model, challenge the accuracy and completeness of the report, and request a waiver in accordance with ~~subsection (m) of~~ this Section.*
 - 3) *That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.*
 - 4) *That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.*
 - 5) *That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)*
- j) A Model may conditionally employ an applicant to provide direct care for up to

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three months pending the results of a UCIA criminal history record check.
(Section 30(g) of the Health Care Worker Background Check Act)

- k) *An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsection (a) of this Section may request that the Model or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police.* (Section 35 of the Health Care Worker Background Check Act)
- l) *A Model having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days ~~after~~ acquiring that knowledge. The Model may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received.* (Section 30(d) of the Health Care Worker Background Check Act)
- m) *An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:*
 - 1) *A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) that the Department will forward to the Department of State Police; and*
 - 2) *A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.*
- n) *The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsection (m) above.* (Section 40(a-5) of the Health Care Worker Background Check Act)
- o) *An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:*

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- 1) Except in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and
 - 2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.
- p)⊕) The Department *may grant a waiver based on mitigating circumstances, which may include:*
- 1) *The age of the individual at which the crime was committed;*
 - 2) *The circumstances surrounding the crime;*
 - 3) *The length of time since the conviction;*
 - 4) *The applicant's or employee's criminal history since the conviction;*
 - 5) *The applicant's or employee's work history;*
 - 6) *The applicant's or employee's current employment references;*
 - 7) *The applicant's or employee's character references;*
 - 8) *Nurse Aide Registry records; and*
 - 9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents-, which may include, but is not limited to the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)*

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- q) Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:
- 1) Single disqualifying misdemeanor conviction – waiver consideration no earlier than one year after the conviction date;
 - 2) Two to three disqualifying misdemeanor convictions – waiver consideration no earlier than three years after the most recent conviction date;
 - 3) More than three disqualifying misdemeanor convictions – waiver consideration no earlier than five years after the most recent conviction date;
 - 4) Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;
 - 5) Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;
 - 6) More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.
- r) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:
- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);
 - 2) Murder, homicide, manslaughter, or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);
 - 3) Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);
 - 4) Aggravated battery, heinous battery or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the

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Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);

- 5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-14.1]);
 - 6) Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);
 - 7) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);
 - 8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);
 - 9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);
 - 10) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]);
 - 11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and
 - 12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).
- s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)
- ~~l)p)~~ *An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the Model may continue to employ the individual in a direct care position*

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if the individual presents convincing evidence to the Model that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)

u)q) A Model is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

v)r) A Model may retain the individual in a direct care position if the individual presents clear and convincing evidence to the Model that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections ~~subsection~~ (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but is not limited to:

- 1) Certified court records;
- 2) Written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) Written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) A signed affidavit from the individual concerning the validity of the report; or
- 5) Documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

w)s) This Section *shall not apply to:*

- 1) *An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;*
- 2) *An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or*

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- 3) *A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a **health care employer Model** in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)*
- x)†** *An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)*
- y)†** *The **facility Model** must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.*
- z)†** *The Model shall retain on file for a period of 5 years records of criminal records requests for all employees. The Model shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)*
- aa)†** *The Model shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.*

(Source: Amended at 28 Ill. Reg. 2240, effective January 26, 2004)

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- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.160 Adopted Action:
Amendment
- 4) Statutory Authority: 35 ILCS 200/2-10 and 2-15
- 5) Effective Date of Amendments: January 22, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 7, 2003, 27 Ill. Reg. 17059
- 10) Has JCAR issued a Statement of Objection to this Amendment? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Reorganizes existing text through the use of subparagraphs. Corrects punctuation. Adds a listing for the new multi-township assessment districts in affected counties. Explains the timing for the following transition issues: (a) candidacy related to terms beginning January 1, 2006, (b) appointing assessors or contracting with a qualified person to fill vacancies, (c) distributions under Section 2-10 and disbursements under Section 2-25 of the Property Tax Code, and (d) assessments.

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

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

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 110
PROPERTY TAX CODE

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

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

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SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 191, effective December 26, 2000; amended at 25 Ill. Reg. 6396, effective May 1, 2001; amended at 26 Ill. Reg. 3727, effective February 26, 2002; emergency amendment at 27 Ill. Reg. 17094, effective October 24, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1395, effective January 9, 2004; amended at 28 Ill. Reg. 2257, effective January 22, 2004.

Section 110.160 Multi-township Assessment Districts

- a) The following list of multi-township assessment districts has been promulgated by this Department in accordance with Sections 2-10 and 2-15 of the Property Tax Code [35 ILCS 200/2-10 and 2-15], which has been in effect since effective January 1, 1994, (~~Sections 1.1 and 1.2 of the Revenue Act of 1939, repealed January 1, 1994~~) and:
- 1) for candidacy purposes related to terms beginning January 1, 2006, will continue to be in effect until the certification of pre-election requirements by the Department under Sections 2-50 and 2-52 of the Property Tax Code

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[35 ILCS 200/2-50 and 2-52];

- 2) for purposes of appointing assessors or contracting with a qualified person to fill office vacancies, will continue to be in effect through December 31, 2005;
- 3) for purposes of distributions under Section 2-10 and disbursements under Section 2-25 of the Property Tax Code [35 ILCS 200/2-10 and 2-25], will continue to be in effect through November 30, 2005; and
- 4) for assessment purposes, will continue to be in effect through December 31, 2005;

County	Townships in District
Adams	1. Liberty, Columbus 2. Burton, Gilmer, Honey Creek 3. Lima, Keene 4. Houston, Northeast 5. Clayton, Concord 6. Fall Creek, Payson
Bond	1. Mills, Tamalco
Boone	1. Manchester, LeRoy, Caledonia 2. Bonus, Spring
Brown	1. Lee, Pea Ridge, Missouri, Ripley, Cooperstown 2. Buckhorn, Elkhorn, Versailles
Bureau	1. Bureau, Walnut 2. Berlin, Westfield 3. Leepertown, Selby 4. Fairfield, Gold, Mineral 5. Neponset, Macon 6. Greenville, Manlius 7. Indiantown, Arispie, Milo, Wheatland 8. Ohio, Dover 9. LaMoille, Clarion

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| Carroll | 1. | Washington, Woodland, Freedom |
| | 2. | Salem, Fairhaven |
| | 3. | Elkhorn Grove, Wysox |
| Cass | 1. | Sangamon Valley, Virginia |
| | 2. | Ashland, Philadelphia |
| | 3. | Panther Creek, Newmansville,
Chandlerville |
| | 4. | Bluff Springs, Arenzville, Hagener |
| Champaign | 1. | East Bend, Newcomb, Condit, Hensley |
| | 2. | Ludlow, Rantoul |
| | 3. | Harwood, Kerr, Compromise |
| | 4. | Stanton, Ogden |
| | 5. | Colfax, Sadorus |
| | 6. | Pesotum, Crittenden |
| | 7. | Raymond, Ayers, South Homer |
| Christian | 1. | Mt. Auburn, Mosquito |
| | 2. | Stonington, Prairieton |
| | 3. | King, Bear Creek, Johnson |
| | 4. | Greenwood, Rosamond, Locust |
| Clark | 1. | Westfield, Parker |
| | 2. | Dolson, Auburn, Douglas, Anderson,
Darwin |
| | 3. | Johnson, Orange, Melrose, York |
| Clay | 1. | Larkinsburg, Oskaloosa, Blair |
| | 2. | Bible Grove, Hoosier, Pixley |
| | 3. | Stanford, Clay City |
| | 4. | Songer, Xenia |
| Clinton | 1. | St. Rose, Wheatfield |
| | 2. | Irishtown, Carlyle |
| | 3. | Santa Fe, Lake |
| | 4. | Clement, Meridian, East Fork |
| Coles | 1. | Seven Hickory, Charleston |

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| | 2. | Morgan, East Oakland |
| | 3. | Ashmore, Hutton |
| | 4. | North Okaw, Humboldt |
| Crawford | 1. | Licking, Prairie |
| | 2. | Lamotte, Montgomery |
| | 3. | Martin, Honey Creek, Southwest |
| Cumberland | 1. | Cottonwood, Union, Crooked Creek |
| | 2. | Spring Point, Woodbury |
| DeKalb | 1. | South Grove, Mayfield |
| | 2. | Malta, Milan |
| | 3. | Afton, Pierce |
| | 4. | Shabbona, Paw Paw |
| | 5. | Victor, Somonauk |
| DeWitt | 1. | Waynesville, Barnett |
| | 2. | Wilson, Rutledge, Harp, DeWitt |
| | 3. | Tunbridge, Texas |
| | 4. | Nixon, Creek |
| Douglas | 1. | Murdock, Newman |
| | 2. | Bowdre, Sargent |
| Edgar | 1. | Brouilletts Creek, Edgar, Prairie |
| | 2. | Buck, Embarrass, Grandview |
| | 3. | Elbridge, Hunter, Stratton |
| | 4. | Shiloh, Young America |
| Effingham | 1. | Banner, Liberty, Moccasin |
| | 2. | Jackson, Mason |
| | 3. | Mound, West |
| | 4. | Watson, Union |
| | 5. | Bishop, Lucas |
| Fayette | 1. | North Hurricane, South Hurricane, Shafter,
Bear Grove |
| | 2. | Seminary, Pope, Kaskaskia |
| | 3. | Wilberton, Lone Grove, LaClede |

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| | 4. | Sefton , Otego, Wheatland |
| | 5. | Loudon, Carson, Bowling Green |
| Ford | 1. | Drummer, Dix |
| | 2. | Patton, Button |
| | 3. | Sullivant, Peach Orchard, Lyman, Wall |
| | 4. | Brenton, Pella, Mona, Rogers |
| Franklin | 1. | Goode, Barren |
| | 2. | Ewing, Northern |
| | 3. | Eastern, Cave |
| Fulton | 1. | Ellisville, Young Hickory, Deerfield, Lee |
| | 2. | Fairview, Joshua |
| | 3. | Harris, Cass, Bernadotte, Farmers |
| | 4. | Pleasant, Isabel, Woodland, Kerton,
Waterford |
| | 5. | Banner, Liverpool |
| Gallatin | 1. | New Haven, Shawnee |
| | 2. | Omaha, Asbury, North Fork |
| | 3. | Equality, Bowlesville, Eagle Creek |
| Greene | 1. | Patterson, Roodhouse |
| | 2. | Athensville, Rubicon, Wrights |
| | 3. | Walkerville, Bluffdale, Woodville |
| | 4. | Linder, Rockbridge |
| Grundy | 1. | Norman, Wauponsee |
| | 2. | Highland, Vienna, Mazon |
| | 3. | Goodfarm, Garfield, Greenfield |
| | 4. | Maine, Braceville |
| | 5. | Nettle Creek, Erienna |
| Hamilton | 1. | Dahlgren, Knights Prairie |
| | 2. | Flannigan, South Flannigan, Twigg, South
Twigg, Mayberry |
| | 3. | Crouch, South Crouch, Beaver Creek,
Crook |

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| Hancock | 1. | Nauvoo, Appanoose, Sonora |
| | 2. | Pontoosuc, Dallas City, Rock Creek |
| | 3. | Prairie, Carthage |
| | 4. | Warsaw, Wilcox, Rocky Run |
| | 5. | Durham, Pilot Grove, Fountain Green,
Hancock |
| | 6. | Wythe, Walker, St. Albans |
| | 7. | Chili, Augusta |
| | 8. | Bear Creek, Harmony, St. Mary |
| Henderson | 1. | Biggsville, Rozetta, Bald Bluff |
| | 2. | Media, Raritan, Terre Haute |
| | 3. | Stronghurst, Carman |
| Henry | 1. | Edford, Osco |
| | 2. | Lynn, Andover |
| | 3. | Munson, Cornwall, Burns |
| | 4. | Loraine, Yorktown, Alba |
| | 5. | Weller, Galva |
| Iroquois | 1. | Ridgeland, Onarga, Artesia |
| | 2. | Pigeon Grove, Fountain Creek |
| | 3. | Milford, Stockland, Lovejoy, Prairie Green |
| | 4. | Crescent, Ash Grove |
| | 5. | Milks Grove, Ashkum |
| | 6. | Beaver, Concord |
| | 7. | Papineau, Beaverville |
| | 8. | Danforth, Iroquois |
| Jackson | 1. | Ora, Vergennes |
| | 2. | Degognia, Kinkaid, Fountain Bluff, Levan |
| | 3. | Sand Ridge, Grand Tower, Pomona |
| Jasper | 1. | Crooked Creek, Grandville, Hunt City |
| | 2. | Smallwood, Fox, Sainte Marie, Willow Hill |
| | 3. | Grove, North Muddy, South Muddy |
| Jefferson | 1. | Grand Prairie, Casner |
| | 2. | Blissville, Bald Hill, Elk Prairie |
| | 3. | Field, Farrington |

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| | 4. | Pendleton, Moores Prairie |
| Jersey | 1. | Ruyle, Jersey, Fidelity |
| | 2. | Richwood, English |
| | 3. | Rosedale, Otter Creek |
| Jo Daviess | 1. | Apple River, Thompson |
| | 2. | Berreman, Derinda, Pleasant Valley, Wards Grove |
| | 3. | Council Hill, Guilford, Scales Mound |
| | 4. | Elizabeth, Woodbine |
| | 5. | Hanover, Rice |
| | 6. | Menominee, Rawlins, Vinegar Hill |
| | 7. | Nora, Rush, Warren |
| Kankakee | 1. | Rockville, Manteno |
| | 2. | Sumner, Yellowhead |
| | 3. | Essex, Salina |
| Kendall | 1. | Lisbon, Seward, Na-au-say |
| Knox | 1. | Rio, Henderson |
| | 2. | Walnut Grove, Lynn, Copley, Victoria |
| | 3. | Persifer, Truro |
| | 4. | Knox, Galesburg, Cedar, Indian Point |
| | 5. | Orange, Haw Creek |
| | 6. | Chestnut, Maquon, Salem, Elba |
| LaSalle | 1. | Meriden, Ophir, Troy Grove |
| | 2. | Freedom, Serena |
| | 3. | Mission, Miller |
| | 4. | Dimmick, Waltham, Wallace |
| | 5. | Utica, Deer Park |
| | 6. | Fall River, Grand Rapids |
| | 7. | Vermilion, Farm Ridge |
| | 8. | Hope, Richland |
| | 9. | Brookfield, Allen |
| | 10. | Osage, Groveland |
| Lawrence | 1. | Allison, Denison |

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

2. Christy, Lukin
 3. Petty, Bond, Russell
- Lee
1. Nachusa, China
 2. Nelson, Harmon
 3. South Dixon, Marion, East Grove, Hamilton
 4. Reynolds, Alto, Viola, Willow Creek
 5. Brooklyn, Wyoming
 6. Ashton, Bradford
 7. Amboy, Lee Center
 8. May, Sublette
- Livingston
1. Chatsworth, Germanville
 2. Reading, Newtown
 3. Sunbury, Nevada, Esmen
 4. Round Grove, Union, Broughton
 5. Long Point, Amity
 6. Rooks Creek, Waldo, Pike
 7. Owego, Eppards Point, Avoca
 8. Saunemin, Sullivan, Pleasant Ridge, Charlotte
 9. Indian Grove, Belle Prairie
 10. Forrest, Fayette
- Logan
1. Prairie Creek, Sheridan
 2. Orvil, Eminence
 3. Atlanta, Oran
 4. Chester, Mount Pulaski
 5. Corwin, Broadwell
 6. Hurlbut, Elkhart
 7. Aetna, Laenna, Lake Fork
- McDonough
1. Blandinsville, Hire
 2. Sciota, Walnut Grove
 3. Bushnell, Prairie City
 4. Chalmers, New Salem, Scotland
 5. Tennessee, Lamoine, Bethel
 6. Industry, Eldorado
 7. Macomb, Mound

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- | | | |
|----------|----|--|
| McLean | 1. | Allin, Dale |
| | 2. | Old Town, Downs |
| | 3. | West, Bellflower, Cheneys Grove |
| | 4. | Yates, Lawndale, Cropsey, Anchor |
| | 5. | Money Creek, Lexington |
| | 6. | Blue Mound, Martin |
| | 7. | Dawson, Arrowsmith |
| | 8. | White Oak, Dry Grove |
| | 9. | Mount Hope, Funk's Grove |
| Macon | 1. | Austin, Illini |
| | 2. | Oakley, Whitmore |
| | 3. | Niantic, Harristown |
| | 4. | Blue Mound, Pleasant View |
| | 5. | Mount Zion, Milam |
| Macoupin | 1. | Scottville, Barr, Western Mound,
Chesterfield |
| | 2. | North Palmyra, North Otter |
| | 3. | South Palmyra, South Otter |
| | 4. | Nilwood, Shaws Point, Honey Point |
| | 5. | Bird, Polk, Hillyard, Brushy Mound |
| Madison | 1. | New Douglas, Leef |
| Marion | 1. | Patoka, Carrigan |
| | 2. | Foster, Tonti |
| | 3. | Kinmundy, Meacham |
| | 4. | Alma, Omega |
| | 5. | Stevenson, Haines |
| | 6. | Iuka, Romine |
| Marshall | 1. | Saratoga, Whitefield, La Prairie |
| | 2. | Hopewell, Roberts, Bell Plain, Richland |
| Mason | 1. | Forest City, Quiver |
| | 2. | Allens Grove, Pennsylvania, Salt Creek |
| | 3. | Crane Creek, Kilbourne, Sherman |
| | 4. | Bath, Lynchburg |

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Mercer	1.	Eliza, Duncan, Perryton
	2.	Keithsburg, Abington, Ohio Grove
	3.	Suez, North Henderson
	4.	New Boston, Millersburg
Montgomery	1.	Harvel, Pitman, Zanesville
	2.	Butler Grove, Irving, Rountree
	3.	Audubon, Nokomis
	4.	Witt, Fillmore, South Fillmore
	5.	Grisham, Walshville
Moultrie	1.	Dora, Marrowbone
	2.	Lowe, Jonathan Creek
	3.	East Nelson, Whitley
Ogle	1.	Eagle Point, Buffalo, Woosung
	2.	Brookville, Forreston
	3.	Scott, White Rock
	4.	Maryland, Lincoln
	5.	Pine Creek, Grand Detour
	6.	Taylor, Lafayette, Pine Rock
	7.	Lynnville, Dement
Peoria	1.	Millbrook, Brimfield
	2.	Princeville, Akron
	3.	Logan, Trivoli
Piatt	1.	Goose Creek, Willow Branch
Pike	1.	Fairmount, Perry, Chambersburg
	2.	Hadley, New Salem, Pleasant Vale, Derry
	3.	Flint, Detroit, Montezuma
	4.	Newburg, Hardin
	5.	Atlas, Martinsburg
	6.	Pleasant Hill, Ross
	7.	Spring Creek, Pearl
	8.	Kinderhook, Levee, Cincinnati
Putnam	1.	Hennepin, Senachwine

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Richland	1.	Noble, Decker, Denver
	2.	German, Claremont
	3.	Madison, Bonpas
Rock Island	1.	Buffalo Prairie, Drury
	2.	Canoe Creek, Zuma
	3.	Cordova, Port Byron
Saline	1.	Galatia, Long Branch, Tate
	2.	Brushy, Raleigh
	3.	Rector, East Eldorado, Cottage
	4.	Stonefort, Independence, Mountain
Sangamon	1.	Buffalo Hart, Mechanicsburg
	2.	Lanesville, Illiopolis
	3.	Maxwell, Loami, Talkington
	4.	Cooper, Cotton Hill
	5.	Island Grove, New Berlin
Schuyler	1.	Birmingham, Brooklyn, Littleton, Oakland, Huntsville, Camden
	2.	Browning, Hickory, Woodstock, Bainbridge, Frederick
Shelby	1.	Moweaqua, Penn
	2.	Flat Branch, Ridge, Rural, Pickaway
	3.	Todds Point, Okaw
	4.	Richland, Ash Grove
	5.	Oconee, Cold Spring
	6.	Herrick, Dry Point
	7.	Lakewood, Holland, Clarksburg
	8.	Big Spring, Sigel
Stark	1.	Elmira, Osceola
	2.	Goshen, West Jersey
	3.	Essex, Valley, Penn
Stephenson	1.	Winslow, Waddams
	2.	Erin, Kent
	3.	Jefferson, Loran

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- | | | |
|------------|----|---|
| | 4. | Dakota, Rock Grove |
| Tazewell | 1. | Sand Prairie, Malone |
| | 2. | Dillon, Delavan |
| | 3. | Hopedale, Boynton |
| | 4. | Hittle, Little Mackinaw |
| Vermilion | 1. | Pilot, Middlefork |
| | 2. | McKendree, Love |
| | 3. | Jamaica, Vance |
| | 4. | Carroll, Elwood |
| Warren | 1. | Sumner, Hale |
| | 2. | Kelly, Coldbrook |
| | 3. | Lenox, Floyd, Berwick |
| | 4. | Greenbush, Swan, Point Pleasant |
| | 5. | Tompkins, Ellison |
| Washington | 1. | Venedy, Johannsburg, Lively Grove |
| | 2. | Covington, Hoyleton |
| | 3. | Beaucoup, Ashley, Richview |
| | 4. | Plum Hill, Oakdale, Pilot Knob |
| | 5. | Bolo, DuBois |
| Wayne | 1. | Garden Hill, Orchard, Hickory Hill, Four Mile |
| | 2. | Keith, Zif, Mt. Erie, Elm River |
| | 3. | Indian Prairie, Berry, Arrington |
| | 4. | Massilon, Barnhill, Leech |
| White | 1. | Mill Shoals, Burnt Prairie |
| | 2. | Heralds Prairie, Emma, Hawthorne |
| Whiteside | 1. | Ustick, Clyde |
| | 2. | Genesee, Jordan |
| | 3. | Albany, Garden Plain |
| | 4. | Newton, Fenton |
| | 5. | Erie, Portland |
| | 6. | Hume, Montmorency |
| | 7. | Tampico, Hahnaman |

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Will	1.	Florence, Wilton
Winnebago	1.	Laona, Durand
	2.	Harrison, Burritt
Woodford	1.	Partridge, Cazenovia
	2.	Linn, Clayton, Greene, Panola
	3.	Cruger, Olio
	4.	Palestine, Kansas

b) The following list of multi-township assessment districts has been promulgated by this Department in accordance with Sections 2-10 and 2-15 of the Property Tax Code [35 ILCS 200/2-10 and 2-15], which:

- 1) for candidacy purposes related to terms beginning January 1, 2006, is effective beginning with the certification of pre-election requirements by the Department under Sections 2-50 and 2-52 of the Property Tax Code [35 ILCS 200/2-50 and 2-52];
- 2) for purposes of appointing assessors or contracting with a qualified person to fill vacancies, is effective January 1, 2006;
- 3) for purposes of distributions under Section 2-10 and disbursements under Section 2-25 of the Property Tax Code [35 ILCS 200/2-10 and 2-25], is effective December 1, 2005; and
- 4) for assessment purposes, is effective January 1, 2006:

<u>County</u>	<u>Townships in District</u>
<u>Adams</u>	1. <u>Liberty, Columbus</u>
	2. <u>Burton, Gilmer, Honey Creek</u>
	3. <u>Lima, Keene</u>
	4. <u>Houston, Northeast</u>
	5. <u>Concord, McKee, Beverly, Richfield</u>
	6. <u>Fall Creek, Payson</u>
<u>Bond</u>	1. <u>Mills, Tamalco</u>
	2. <u>LaGrange, Old Ripley</u>

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

<u>Boone</u>	<u>1.</u>	<u>Manchester, LeRoy</u>
	<u>2.</u>	<u>Bonus, Spring, Poplar Grove</u>
<u>Brown</u>	<u>1.</u>	<u>Lee, Pea Ridge, Missouri, Ripley, Cooperstown</u>
	<u>2.</u>	<u>Buckhorn, Elkhorn, Versailles</u>
<u>Bureau</u>	<u>1.</u>	<u>Bureau, Walnut</u>
	<u>2.</u>	<u>Berlin, Westfield</u>
	<u>3.</u>	<u>Leepertown, Selby</u>
	<u>4.</u>	<u>Fairfield, Gold, Mineral</u>
	<u>5.</u>	<u>Neponset, Macon</u>
	<u>6.</u>	<u>Greenville, Manlius</u>
	<u>7.</u>	<u>Indiantown, Arispie, Milo, Wheatland</u>
	<u>8.</u>	<u>Ohio, Dover</u>
	<u>9.</u>	<u>LaMoille, Clarion</u>
<u>Carroll</u>	<u>1.</u>	<u>Washington, Woodland, Freedom</u>
	<u>2.</u>	<u>Salem, Fairhaven</u>
	<u>3.</u>	<u>Elkhorn Grove, Wysox</u>
<u>Cass</u>	<u>1.</u>	<u>Sangamon Valley, Virginia</u>
	<u>2.</u>	<u>Ashland, Philadelphia</u>
	<u>3.</u>	<u>Panther Creek, Newmansville, Chandlerville</u>
	<u>4.</u>	<u>Bluff Springs, Arenzville, Hagener</u>
<u>Champaign</u>	<u>1.</u>	<u>East Bend, Newcomb, Condit, Hensley</u>
	<u>2.</u>	<u>Ludlow, Rantoul</u>
	<u>3.</u>	<u>Harwood, Kerr, Compromise</u>
	<u>4.</u>	<u>Stanton, Ogden</u>
	<u>5.</u>	<u>Colfax, Sadorus</u>
	<u>6.</u>	<u>Pesotum, Crittenden</u>
	<u>7.</u>	<u>Raymond, Ayers, South Homer</u>
<u>Christian</u>	<u>1.</u>	<u>Mt. Auburn, Mosquito</u>
	<u>2.</u>	<u>Stonington, Prairieton</u>
	<u>3.</u>	<u>King, Bear Creek, Johnson</u>
	<u>4.</u>	<u>Greenwood, Rosamond, Locust</u>
<u>Clark</u>	<u>1.</u>	<u>Westfield, Parker</u>

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

	<u>2.</u>	<u>Dolson, Auburn, Douglas, Anderson, Darwin</u>
	<u>3.</u>	<u>Johnson, Orange, Melrose, York</u>
<u>Clay</u>	<u>1.</u>	<u>Larkinsburg, Oskaloosa, Blair</u>
	<u>2.</u>	<u>Bible Grove, Hoosier, Pixley</u>
	<u>3.</u>	<u>Stanford, Clay City</u>
	<u>4.</u>	<u>Songer, Xenia</u>
<u>Clinton</u>	<u>1.</u>	<u>St. Rose, Wheatfield, Irishtown</u>
	<u>2.</u>	<u>Santa Fe, Lake</u>
	<u>3.</u>	<u>Clement, Meridian, East Fork</u>
<u>Coles</u>	<u>1.</u>	<u>Seven Hickory, Charleston</u>
	<u>2.</u>	<u>Morgan, East Oakland</u>
	<u>3.</u>	<u>Ashmore, Hutton</u>
	<u>4.</u>	<u>North Okaw, Humboldt</u>
<u>Crawford</u>	<u>1.</u>	<u>Licking, Prairie</u>
	<u>2.</u>	<u>Lamotte, Hutsonville, Montgomery</u>
	<u>3.</u>	<u>Martin, Honey Creek, Southwest</u>
<u>Cumberland</u>	<u>1.</u>	<u>Cottonwood, Union, Crooked Creek</u>
	<u>2.</u>	<u>Spring Point, Woodbury</u>
<u>DeKalb</u>	<u>1.</u>	<u>South Grove, Mayfield</u>
	<u>2.</u>	<u>Malta, Milan</u>
	<u>3.</u>	<u>Afton, Pierce</u>
	<u>4.</u>	<u>Shabbona, Paw Paw</u>
	<u>5.</u>	<u>Victor, Somonauk</u>
<u>DeWitt</u>	<u>1.</u>	<u>Waynesville, Barnett</u>
	<u>2.</u>	<u>Creek, Harp, Wilson, Rutledge</u>
	<u>3.</u>	<u>Tunbridge, Texas</u>
	<u>4.</u>	<u>DeWitt, Nixon</u>
<u>Douglas</u>	<u>1.</u>	<u>Murdock, Newman</u>
	<u>2.</u>	<u>Bowdre, Sargent</u>
<u>Edgar</u>	<u>1.</u>	<u>Brouilletts Creek, Edgar, Prairie</u>
	<u>2.</u>	<u>Buck, Kansas, Grandview</u>

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

	<u>3.</u>	<u>Elbridge, Hunter, Stratton</u>
	<u>4.</u>	<u>Shiloh, Young America, Embarrass</u>
<u>Effingham</u>	<u>1.</u>	<u>Banner, Liberty, Moccasin</u>
	<u>2.</u>	<u>Jackson, Mason, Mound, West</u>
	<u>3.</u>	<u>St. Francis, Teutopolis</u>
	<u>4.</u>	<u>Watson, Union</u>
	<u>5.</u>	<u>Bishop, Lucas</u>
<u>Fayette</u>	<u>1.</u>	<u>North Hurricane, South Hurricane, Shafter, Bear Grove</u>
	<u>2.</u>	<u>Seminary, Pope, Kaskaskia</u>
	<u>3.</u>	<u>Wilberton, Lone Grove, LaCleve</u>
	<u>4.</u>	<u>Sefton, Otego, Wheatland</u>
	<u>5.</u>	<u>Loudon, Carson, Bowling Green</u>
<u>Ford</u>	<u>1.</u>	<u>Drummer, Dix</u>
	<u>2.</u>	<u>Patton, Button</u>
	<u>3.</u>	<u>Sullivant, Peach Orchard, Lyman, Wall</u>
	<u>4.</u>	<u>Brenton, Pella, Mona, Rogers</u>
<u>Franklin</u>	<u>1.</u>	<u>Goode, Barren</u>
	<u>2.</u>	<u>Ewing, Northern</u>
	<u>3.</u>	<u>Eastern, Cave</u>
<u>Fulton</u>	<u>1.</u>	<u>Ellisville, Young Hickory, Deerfield, Lee</u>
	<u>2.</u>	<u>Fairview, Joshua</u>
	<u>3.</u>	<u>Harris, Cass, Bernadotte, Farmers</u>
	<u>4.</u>	<u>Pleasant, Isabel, Woodland, Kerton, Waterford</u>
	<u>5.</u>	<u>Banner, Liverpool</u>
<u>Gallatin</u>	<u>1.</u>	<u>New Haven, Shawnee, Gold Hill</u>
	<u>2.</u>	<u>Omaha, Asbury, North Fork</u>
	<u>3.</u>	<u>Equality, Bowlesville, Eagle Creek</u>
<u>Greene</u>	<u>1.</u>	<u>Patterson, Roodhouse</u>
	<u>2.</u>	<u>Athensville, Rubicon, Wrights</u>
	<u>3.</u>	<u>Walkerville, Bluffdale, Woodville</u>
	<u>4.</u>	<u>Linder, Rockbridge</u>
<u>Grundy</u>	<u>1.</u>	<u>Norman, Wauponsee</u>

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

	<u>2.</u>	<u>Highland, Vienna, Mazon</u>
	<u>3.</u>	<u>Goodfarm, Garfield, Greenfield</u>
	<u>4.</u>	<u>Maine, Braceville</u>
	<u>5.</u>	<u>Nettle Creek, Erienna</u>
<u>Hamilton</u>	<u>1.</u>	<u>Dahlgren, Knights Prairie</u>
	<u>2.</u>	<u>Flannigan, South Flannigan, Twigg, South Twigg, Mayberry</u>
	<u>3.</u>	<u>Crouch, South Crouch, Beaver Creek, Crook</u>
<u>Hancock</u>	<u>1.</u>	<u>Nauvoo, Appanoose, Sonora</u>
	<u>2.</u>	<u>Pontoosuc, Dallas City, Rock Creek</u>
	<u>3.</u>	<u>Prairie, Carthage</u>
	<u>4.</u>	<u>Warsaw, Wilcox, Rocky Run</u>
	<u>5.</u>	<u>Durham, Pilot Grove, Fountain Green, Hancock</u>
	<u>6.</u>	<u>Wythe, Walker, St. Albans, Bear Creek</u>
	<u>7.</u>	<u>Harmony, St. Mary, Chili, Augusta</u>
<u>Henderson</u>	<u>1.</u>	<u>Biggsville, Rozetta, Bald Bluff</u>
	<u>2.</u>	<u>Media, Raritan, Terre Haute, Lomax</u>
	<u>3.</u>	<u>Stronghurst, Carman</u>
<u>Henry</u>	<u>1.</u>	<u>Edford, Osco, Munson</u>
	<u>2.</u>	<u>Lynn, Andover</u>
	<u>3.</u>	<u>Burns, Weller, Galva</u>
	<u>4.</u>	<u>Loraine, Yorktown, Alba, Cornwall</u>
	<u>5.</u>	<u>Oxford, Clover</u>
<u>Iroquois</u>	<u>1.</u>	<u>Ridgeland, Onarga, Artesia</u>
	<u>2.</u>	<u>Pigeon Grove, Fountain Creek</u>
	<u>3.</u>	<u>Milford, Stockland, Lovejoy, Prairie Green</u>
	<u>4.</u>	<u>Crescent, Ash Grove</u>
	<u>5.</u>	<u>Milks Grove, Ashkum</u>
	<u>6.</u>	<u>Beaver, Concord</u>
	<u>7.</u>	<u>Papineau, Beaverville</u>
	<u>8.</u>	<u>Danforth, Iroquois</u>
<u>Jackson</u>	<u>1.</u>	<u>Ora, Vergennes</u>
	<u>2.</u>	<u>Degognia, Kinkaid, Fountain Bluff, Levan</u>
	<u>3.</u>	<u>Sand Ridge, Grand Tower, Pomona</u>

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

<u>Jasper</u>	<u>1.</u>	<u>Crooked Creek, Grandville, Hunt City</u>
	<u>2.</u>	<u>Smallwood, Fox, Sainte Marie, Willow Hill</u>
	<u>3.</u>	<u>Grove, North Muddy, South Muddy</u>
<u>Jefferson</u>	<u>1.</u>	<u>Grand Prairie, Casner</u>
	<u>2.</u>	<u>Blissville, Bald Hill, Elk Prairie</u>
	<u>3.</u>	<u>Field, Farrington</u>
	<u>4.</u>	<u>Pendleton, Moores Prairie</u>
<u>Jersey</u>	<u>1.</u>	<u>Ruyle, Jersey, Fidelity</u>
	<u>2.</u>	<u>Richwood, English</u>
	<u>3.</u>	<u>Rosedale, Otter Creek</u>
<u>Jo Daviess</u>	<u>1.</u>	<u>Apple River, Thompson</u>
	<u>2.</u>	<u>Berreman, Derinda, Pleasant Valley, Wards Grove</u>
	<u>3.</u>	<u>Council Hill, Guilford, Scales Mound</u>
	<u>4.</u>	<u>Elizabeth, Woodbine</u>
	<u>5.</u>	<u>Hanover, Rice</u>
	<u>6.</u>	<u>Menominee, Rawlins, Vinegar Hill</u>
	<u>7.</u>	<u>Nora, Rush, Warren</u>
<u>Kankakee</u>	<u>1.</u>	<u>Rockville, Manteno</u>
	<u>2.</u>	<u>Sumner, Yellowhead</u>
	<u>3.</u>	<u>Essex, Salina</u>
<u>Kendall</u>	<u>1.</u>	<u>Lisbon, Seward, Na-au-say</u>
<u>Knox</u>	<u>1.</u>	<u>Galesburg, Knox, Cedar, Orange, Haw Creek, Elba,</u>
		<u>Indian Point, Chestnut, Maquon, Salem</u>
	<u>2.</u>	<u>Rio, Ontario, Walnut Grove, Lynn, Henderson, Sparta,</u>
		<u>Copley, Victoria, Persifer, Truro</u>
<u>LaSalle</u>	<u>1.</u>	<u>Meriden, Ophir, Troy Grove</u>
	<u>2.</u>	<u>Freedom, Serena</u>
	<u>3.</u>	<u>Mission, Miller</u>
	<u>4.</u>	<u>Dimmick, Waltham, Wallace</u>
	<u>5.</u>	<u>Fall River, Grand Rapids</u>
	<u>6.</u>	<u>Vermilion, Farm Ridge, Deer Park</u>
	<u>7.</u>	<u>Hope, Richland, Osage, Groveland</u>

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

	<u>8.</u>	<u>Brookfield, Allen</u>
<u>Lawrence</u>	<u>1.</u>	<u>Allison, Denison</u>
	<u>2.</u>	<u>Christy, Lukin</u>
	<u>3.</u>	<u>Petty, Bond, Russell</u>
<u>Lee</u>	<u>1.</u>	<u>Nachusa, Franklin Grove</u>
	<u>2.</u>	<u>Nelson, Harmon</u>
	<u>3.</u>	<u>South Dixon, Marion, East Grove, Hamilton</u>
	<u>4.</u>	<u>Reynolds, Alto, Viola, Willow Creek</u>
	<u>5.</u>	<u>Brooklyn, Wyoming</u>
	<u>6.</u>	<u>Ashton, Bradford</u>
	<u>7.</u>	<u>Amboy, Lee Center</u>
	<u>8.</u>	<u>May, Sublette</u>
<u>Livingston</u>	<u>1.</u>	<u>Chatsworth, Germanville</u>
	<u>2.</u>	<u>Reading, Newtown</u>
	<u>3.</u>	<u>Sunbury, Nevada, Esmen</u>
	<u>4.</u>	<u>Round Grove, Broughton, Sullivan</u>
	<u>5.</u>	<u>Long Point, Amity</u>
	<u>6.</u>	<u>Rooks Creek, Waldo, Pike</u>
	<u>7.</u>	<u>Owego, Eppards Point, Avoca</u>
	<u>8.</u>	<u>Saunemin, Pleasant Ridge, Charlotte, Union</u>
	<u>9.</u>	<u>Indian Grove, Belle Prairie</u>
	<u>10.</u>	<u>Forrest, Fayette</u>
<u>Logan</u>	<u>1.</u>	<u>Prairie Creek, Sheridan</u>
	<u>2.</u>	<u>Orvil, Eminence, West Lincoln</u>
	<u>3.</u>	<u>Atlanta, Oran</u>
	<u>4.</u>	<u>Chester, Mount Pulaski</u>
	<u>5.</u>	<u>Corwin, Broadwell, Elkhart, Hurlbut</u>
	<u>6.</u>	<u>Aetna, Laenna, Lake Fork</u>
<u>McDonough</u>	<u>1.</u>	<u>Blandinsville, Hire</u>
	<u>2.</u>	<u>Sciota, Walnut Grove</u>
	<u>3.</u>	<u>Bushnell, Prairie City, Macomb, Mound</u>
	<u>4.</u>	<u>Chalmers, New Salem, Scotland</u>
	<u>5.</u>	<u>Tennessee, Lamoine, Bethel</u>
	<u>6.</u>	<u>Industry, Eldorado</u>

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

<u>McLean</u>	<u>1.</u>	<u>Allin, Dale</u>
	<u>2.</u>	<u>West, Bellflower, Cheneys Grove</u>
	<u>3.</u>	<u>Yates, Lawndale, Cropsey, Anchor</u>
	<u>4.</u>	<u>Blue Mound, Martin</u>
	<u>5.</u>	<u>Dawson, Arrowsmith</u>
	<u>6.</u>	<u>White Oak, Dry Grove</u>
	<u>7.</u>	<u>Mount Hope, Funk's Grove</u>
<u>Macon</u>	<u>1.</u>	<u>Austin, Illini</u>
	<u>2.</u>	<u>Oakley, Whitmore</u>
	<u>3.</u>	<u>Niantic, Harristown</u>
	<u>4.</u>	<u>Blue Mound, Pleasant View</u>
	<u>5.</u>	<u>Mount Zion, Milam</u>
<u>Macoupin</u>	<u>1.</u>	<u>Scottville, Barr, Western Mound, Chesterfield</u>
	<u>2.</u>	<u>North Palmyra, North Otter</u>
	<u>3.</u>	<u>South Palmyra, South Otter</u>
	<u>4.</u>	<u>Nilwood, Shaws Point, Honey Point</u>
	<u>5.</u>	<u>Bird, Polk, Hillyard, Brushy Mound</u>
<u>Madison</u>	<u>1.</u>	<u>New Douglas, Leef</u>
<u>Marion</u>	<u>1.</u>	<u>Patoka, Carrigan</u>
	<u>2.</u>	<u>Foster, Tonti</u>
	<u>3.</u>	<u>Kinmundy, Meacham</u>
	<u>4.</u>	<u>Alma, Omega</u>
	<u>5.</u>	<u>Stevenson, Haines</u>
	<u>6.</u>	<u>Iuka, Romine</u>
<u>Marshall</u>	<u>1.</u>	<u>Saratoga, Whitefield, La Prairie</u>
	<u>2.</u>	<u>Hopewell, Roberts, Bell Plain, Richland</u>
<u>Mason</u>	<u>1.</u>	<u>Forest City, Quiver</u>
	<u>2.</u>	<u>Allens Grove, Pennsylvania, Salt Creek</u>
	<u>3.</u>	<u>Crane Creek, Kilbourne, Sherman</u>
	<u>4.</u>	<u>Bath, Lynchburg</u>
<u>Mercer</u>	<u>1.</u>	<u>Eliza, Duncan, Perryton</u>
	<u>2.</u>	<u>Keithsburg, Abington, Ohio Grove</u>
	<u>3.</u>	<u>Suez, North Henderson</u>

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	<u>4.</u>	<u>New Boston, Millersburg</u>
<u>Montgomery</u>	<u>1.</u>	<u>Harvel, Pitman, Zanesville</u>
	<u>2.</u>	<u>Butler Grove, Irving, Rountree</u>
	<u>3.</u>	<u>Audubon, Nokomis</u>
	<u>4.</u>	<u>Witt, Fillmore, South Fillmore</u>
	<u>5.</u>	<u>Grisham, Walshville, East Fork</u>
<u>Moultrie</u>	<u>1.</u>	<u>Dora, Marrowbone</u>
	<u>2.</u>	<u>Lowe, Jonathan Creek</u>
	<u>3.</u>	<u>East Nelson, Whitley</u>
<u>Ogle</u>	<u>1.</u>	<u>Eagle Point, Buffalo, Woosung</u>
	<u>2.</u>	<u>Brookville, Forreston</u>
	<u>3.</u>	<u>Scott, White Rock</u>
	<u>4.</u>	<u>Maryland, Lincoln</u>
	<u>5.</u>	<u>Pine Creek, Grand Detour</u>
	<u>6.</u>	<u>Taylor, Lafayette, Pine Rock</u>
	<u>7.</u>	<u>Lynnville, Dement</u>
<u>Peoria</u>	<u>1.</u>	<u>Millbrook, Brimfield</u>
	<u>2.</u>	<u>Princeville, Akron</u>
	<u>3.</u>	<u>Logan, Trivoli</u>
<u>Piatt</u>	<u>1.</u>	<u>Goose Creek, Willow Branch</u>
<u>Pike</u>	<u>1.</u>	<u>Fairmount, Perry, Chambersburg</u>
	<u>2.</u>	<u>Hadley, New Salem, Pleasant Vale, Derry</u>
	<u>3.</u>	<u>Flint, Detroit, Montezuma, Pearl</u>
	<u>4.</u>	<u>Newburg, Hardin, Spring Creek</u>
	<u>5.</u>	<u>Atlas, Martinsburg</u>
	<u>6.</u>	<u>Pleasant Hill, Ross</u>
	<u>7.</u>	<u>Kinderhook, Levee, Cincinnati</u>
<u>Putnam</u>	<u>1.</u>	<u>Hennepin, Senachwine</u>
<u>Richland</u>	<u>1.</u>	<u>Noble, Decker, Denver</u>
	<u>2.</u>	<u>German, Claremont</u>
	<u>3.</u>	<u>Madison, Bonpas</u>

DEPARTMENT OF REVENUE

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<u>Rock Island</u>	<u>1.</u>	<u>Buffalo Prairie, Drury</u>
	<u>2.</u>	<u>Canoe Creek, Zuma</u>
	<u>3.</u>	<u>Cordova, Port Byron</u>
<u>St. Clair</u>	<u>1.</u>	<u>Mascoutah, Engelmann</u>
	<u>2.</u>	<u>East St. Louis, Stites</u>
<u>Saline</u>	<u>1.</u>	<u>Galatia, Long Branch, Tate</u>
	<u>2.</u>	<u>Brushy, Raleigh</u>
	<u>3.</u>	<u>Rector, East Eldorado, Cottage</u>
	<u>4.</u>	<u>Stonefort, Independence, Mountain</u>
<u>Sangamon</u>	<u>1.</u>	<u>Buffalo Hart, Mechanicsburg</u>
	<u>2.</u>	<u>Lanesville, Illiopolis</u>
	<u>3.</u>	<u>Maxwell, Loami, Talkington</u>
	<u>4.</u>	<u>Cooper, Cotton Hill</u>
	<u>5.</u>	<u>Island Grove, New Berlin</u>
<u>Schuyler</u>	<u>1.</u>	<u>Birmingham, Brooklyn, Littleton, Oakland, Huntsville, Camden</u>
	<u>2.</u>	<u>Browning, Hickory, Woodstock, Bainbridge, Frederick</u>
<u>Shelby</u>	<u>1.</u>	<u>Flat Branch, Ridge, Rural, Pickaway</u>
	<u>2.</u>	<u>Todds Point, Okaw</u>
	<u>3.</u>	<u>Richland, Ash Grove</u>
	<u>4.</u>	<u>Oconee, Cold Spring</u>
	<u>5.</u>	<u>Herrick, Dry Point</u>
	<u>6.</u>	<u>Lakewood, Holland, Clarksburg</u>
	<u>7.</u>	<u>Big Spring, Sigel</u>
<u>Stark</u>	<u>1.</u>	<u>Elmira, Osceola</u>
	<u>2.</u>	<u>Goshen, West Jersey</u>
	<u>3.</u>	<u>Essex, Valley, Penn</u>
<u>Stephenson</u>	<u>1.</u>	<u>Winslow, Waddams</u>
	<u>2.</u>	<u>Erin, Kent</u>
	<u>3.</u>	<u>Jefferson, Loran</u>
	<u>4.</u>	<u>Dakota, Rock Grove</u>
	<u>5.</u>	<u>Florence, Silver Creek</u>

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<u>Tazewell</u>	<u>1.</u>	<u>Dillon, Delavan, Sand Prairie, Malone</u>
	<u>2.</u>	<u>Hopedale, Boynton, Hittle, Little Mackinaw</u>
<u>Vermilion</u>	<u>1.</u>	<u>Pilot, Middlefork</u>
	<u>2.</u>	<u>McKendree, Love, Georgetown</u>
	<u>3.</u>	<u>Jamaica, Vance</u>
	<u>4.</u>	<u>Carroll, Elwood</u>
<u>Warren</u>	<u>1.</u>	<u>Kelly, Coldbrook, Floyd, Berwick</u>
	<u>2.</u>	<u>Lenox, Sumner, Hale</u>
	<u>3.</u>	<u>Greenbush, Swan, Point Pleasant</u>
	<u>4.</u>	<u>Tompkins, Ellison</u>
<u>Washington</u>	<u>1.</u>	<u>Venedy, Johannisburg, Lively Grove</u>
	<u>2.</u>	<u>Covington, Hoyleton</u>
	<u>3.</u>	<u>Beaucoup, Ashley, Richview</u>
	<u>4.</u>	<u>Plum Hill, Oakdale, Pilot Knob</u>
	<u>5.</u>	<u>Bolo, DuBois</u>
<u>Wayne</u>	<u>1.</u>	<u>Garden Hill, Orchard, Hickory Hill, Four Mile</u>
	<u>2.</u>	<u>Keith, Zif, Mt. Erie, Elm River</u>
	<u>3.</u>	<u>Indian Prairie, Berry, Arrington</u>
	<u>4.</u>	<u>Massilon, Barnhill, Leech</u>
<u>White</u>	<u>1.</u>	<u>Mill Shoals, Burnt Prairie</u>
	<u>2.</u>	<u>Heralds Prairie, Emma, Hawthorne</u>
<u>Whiteside</u>	<u>1.</u>	<u>Ustick, Clyde</u>
	<u>2.</u>	<u>Genesee, Jordan, Hopkins</u>
	<u>3.</u>	<u>Albany, Garden Plain</u>
	<u>4.</u>	<u>Newton, Fenton, Portland</u>
	<u>5.</u>	<u>Union Grove, Mt. Pleasant</u>
	<u>6.</u>	<u>Hume, Montmorency, Hahnaman</u>
<u>Will</u>	<u>1.</u>	<u>Florence, Wilton</u>
<u>Winnebago</u>	<u>1.</u>	<u>Laona, Durand</u>
	<u>2.</u>	<u>Harrison, Burritt</u>
	<u>3.</u>	<u>Pecatonica, Seward</u>

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- | | | |
|-----------------|-----------|--------------------------------------|
| <u>Woodford</u> | <u>1.</u> | <u>Partridge, Cazenovia</u> |
| | <u>2.</u> | <u>Linn, Clayton, Greene, Panola</u> |
| | <u>3.</u> | <u>Cruger, Olio</u> |
| | <u>4.</u> | <u>Palestine, Kansas</u> |

(Source: Amended at 28 Ill. Reg. 2257, effective January 22, 2004)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Coin-Operated Amusement Device and Redemption Machine Tax
- 2) Code Citation: 86 Ill. Adm. Code 460
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
460.101	Amendment
460.105	Amendment
460.110	Amendment
- 4) Statutory Authority: 35 ILCS 510
- 5) Effective Date of Amendments: January 22, 2004
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 10201, July 11, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No. The companion emergency rulemaking has expired.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking amends the Coin-Operated Amusement Device and Redemption Machine Tax Act to reflect the new tax rate and new procedures for privilege tax decals set forth in Public Act 93-32. It also provides that there will be no part-year privilege tax decals.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

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

Martha Mote
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 460

COIN-OPERATED AMUSEMENT DEVICE AND REDEMPTION MACHINE TAX

Section

- 460.101 Nature and Scope of the Tax
- 460.105 Illustrations of Taxable and Nontaxable Coin-Operated Amusement Devices and Redemption Machines
- 460.110 Privilege Tax Decals Licenses

AUTHORITY: Implementing the Coin-Operated Amusement Device and Redemption Machine Tax Act [35 ILCS 510] and authorized by Section 2505-105 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-105].

SOURCE: Coin-Operated Amusement Device Tax Act Regulations, adopted July 30, 1953; codified at 8 Ill. Reg. 8607; amended at 16 Ill. Reg. 4876, effective March 12, 1992; amended at 27 Ill. Reg. 542, effective December 27, 2002; emergency amendment at 27 Ill. Reg. 10539, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 2284, effective January 22, 2004.

Section 460.101 Nature and Scope of the Tax

- a) The Coin-Operated Amusement Device and Redemption Machine Tax Act (the Act) imposes an annual privilege tax on the privilege of operating, in this State:
- 1) every coin-in-the-slot-operated amusement device that returns to the player no money or property or right to receive money or property; and
 - 2) every redemption machine, as defined in Section 460.105 of this Part.
- b) Through June 30, 2003, the~~The~~ amount of the tax is \$15 for each device or machine for which a license was issued for a period beginning on or after August 1 of any year and prior to February 1 of the succeeding year. A privilege tax of \$8 is imposed on the privilege of operating a device or machine for which a license was issued for a period beginning on or after February 1 of any year and ending July 31 of that year. Beginning July 1, 2003, privilege tax decals will be issued instead of licenses. The amount of the tax is \$30 for each device or machine for which a privilege tax decal was issued for a period beginning on or

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

after August 1 of any year through July 31 of the following year. Privilege tax decals are issued in one-year increments only.

- c) Through June 30, 2003, theThe tax payable with respect to any amusement device or redemption machine must be remitted to the Department of Revenue with the application for license for such device or machine. Beginning July 1, 2003, the tax payable with respect to any amusement device or redemption machine must be remitted to the Department of Revenue with a form containing information regarding such device or machine. The remittance should be made payable to the Department of Revenue.

(Source: Amended at 28 Ill. Reg. 2284, effective January 22, 2004)

Section 460.105 Illustrations of Taxable and Nontaxable Coin-Operated Amusement Devices and Redemption Machines

- a) Coin-operated Amusement Devices – Taxable Devices
- 1) To be taxable, the device must be coin-operated, and it must be an amusement device. However, if an otherwise taxable amusement device is equipped to be operated by means of the insertion of coins, it is the Department's position that such device does not cease to be a taxable device because of the fact that the operator thereof has his customers pay for the use of such device at the bar or in some other way which avoids the use of the coin receptacle.
 - 2) The device cannot return money or property or the right to receive money or property to the player. For example, a crane game that offers players the right to receive merchandise contained in the machine is not subject to the tax.
 - 3) An amusement device is a device which is played primarily for amusement or entertainment rather than for the purchase of some specific commodity or service. Every kind of coin-operated amusement device, which does not return money or property or the right to receive money or property to the player, is subject to the tax. Therefore, the tax applies not only to coin-operated pinball machines, gun-ray devices and shuffleboards (as it did prior to August 1, 1963), but also (commencing August 1, 1963) to coin-operated hockey games, baseball games, horse racing games, gun games of all kinds, pool games, mechanical pony rides and other similar

DEPARTMENT OF REVENUE

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devices, juke boxes, fortune-telling machines and anything else which comes within the foregoing definition of a coin-operated amusement device.

b) Redemption Machines

- 1) Tax shall be imposed as required in Section 460.101 of this Part on the privilege of operating a redemption machine. For purposes of this Part, *a redemption machine is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object into, upon, or against a hole or other target, provided that all the following conditions are met:*
 - A) *The outcome of the game is predominantly determined by the skill of the player;*
 - B) *The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score;*
 - C) *Only merchandise prizes are awarded;*
 - D) *The average wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed the lesser of \$5 or 7 times the cost charged for a single play of the device; and*
 - E) *The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount charged for a single play of the device [720 ILCS 5/28-2(a)(4)].*

c) Nontaxable Devices and Redemption Machines

- 1) The tax does not apply to a coin-operated device maintained by a public utility for furnishing public utility service (such as telephone service). The tax does not apply to any coin-operated device which is designed and used strictly as a means of vending merchandise or service. For example, this tax does not apply (among other things) to cigarette, soft drink and other merchandise vending machines, nor to coin-operated scales which merely provide information concerning a person's weight, nor to coin-operated

DEPARTMENT OF REVENUE

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machines which merely provide the customer with a photographing service, nor to coin-operated machines which merely provide a laundry or dry cleaning service.

- 2) The tax does not apply to gambling devices, as defined in Section 28-2 of the Criminal Code [720 ILCS 5/28-2].
- 3) The tax does not apply to a coin-operated amusement device or redemption machine that would otherwise be taxable where the person operating such device or machine is a private club or organization, and where such club or organization restricts the displaying of the amusement device or machine to its membership and such device or machine is not displayed in such a manner as to be accessible to the public. The exemption described in the preceding sentence arises from the fact that the Act is worded so that it applies only to the displaying of coin-operated amusement devices or redemption machines where such devices or machines are "to be played or operated by the public". However, a private club or organization cannot be established for the purpose of displaying such amusement devices or redemption machines and thus evade the privilege tax decal~~licensing~~ requirements of the Act.

(Source: Amended at 28 Ill. Reg. 2284, effective January 22, 2004)

Section 460.110 Privilege Tax Decals Licenses

- a) Obtaining Privilege Tax Decals Applications for Licenses
 - 1) Every person, firm, limited liability company, or corporation displaying any taxable amusement device or redemption machine to be played or operated by the public at any place owned or leased by such person, firm, limited liability company, or corporation shall, before displaying the device or machine, file with the Department of Revenue a form containing information regarding each such device or machine. an application for license for such device or machine. The form shall include the name and address of the person, firm, limited liability company, or corporation, a brief description of the device or machine to be displayed and the premises where such device or machine will be located.~~application must be signed by the taxpayer and sworn to.~~ The applicant should answer all questions and give all the information required on the application form. The information~~application~~ must be provided~~made~~ on a form prescribed by the

DEPARTMENT OF REVENUE

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Department.

- 2) The ~~information form application~~ must be accompanied by the tax. ~~AA separate application must be filed and a~~ separate ~~privilege tax decal must be license~~ obtained for each taxable unit.
- b) Who May ~~Obtain Privilege Tax Decals Be Licensed~~
The person who is required to apply for the ~~privilege tax decal license~~ is the person who displays the taxable device or machine to be played or operated by the public at a place owned or leased by that person, regardless of whether that person is the owner of the machine or device. There is no exemption from the taxing ~~and licensing~~ requirements of the Act because of the fact that the operator of the coin-operated amusement device or redemption machine is a not-for-profit organization.
- c) Issuance of ~~Privilege Tax Decals Licenses~~ – Transferability
- 1) Upon receipt of an ~~information form application for license~~ in proper form, together with the applicable tax, the Department will issue ~~a privilege tax decal the proper license tag~~ to the applicant. The ~~privilege tax decal license~~ must be securely affixed to the device or machine for which it is issued and must be conspicuously displayed. A ~~privilege tax decal license~~ is transferable from one amusement device or redemption machine to another amusement device or redemption machine operated by the same ~~privilege tax decal holder licensee~~ or from one address to another address of a ~~privilege tax decal holder licensee~~, provided that the Department is promptly notified of such transfer on a transfer form which the Department will make available on request for this purpose.
 - 2) However, no ~~privilege tax decal license~~ is transferable from one person to another. For example, a ~~privilege tax decal license~~ could not be transferred from one individual to another; from one partnership to another; from one corporation to another; from an individual to a partnership or to a corporation (even though the individual is one of the partners or owns the stock in the corporation); from a partnership to an individual or to a corporation (even though one of the partners is the individual or the partners own the stock in the corporation); or from a corporation to a partnership or to an individual. Each of these entities (i.e., each individual, each partnership and each corporation) is a different legal person. Similarly, a receiver, trustee in bankruptcy, administrator, executor,

DEPARTMENT OF REVENUE

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conservator or other legal representative appointed by a court is a different legal person from the person (or the person's estate) to whose assets such legal representative succeeds. ~~d) Fractional Year Licenses The license year commences August 1 and ends the following July 31. A license may be issued for not less than one month. All fractional year licenses will end on the ensuing July 31. e) Revocation of License The Department is authorized, after notice and a hearing, to revoke any license upon a finding that there has been a violation of the Act.~~

df) ~~Other~~ Penalties

- 1) *On every device and machine found to have been displayed without the tax imposed by the Act having been paid, the tax otherwise payable shall be increased by 30% as a penalty [35 ILCS 510/5]. Persons operating or displaying devices or machines in such a manner that they could be played without the tax imposed by the Act having first been paid, shall be guilty of a Class C misdemeanor [35 ILCS 510/8].*
- 2) Also, any coin-operated amusement device or redemption machine operated in a manner that violates any provision of the Act is subject to seizure and confiscation and forfeiture in accordance with the provisions of Sections 13 and 14 of the Act.

(Source: Amended at 28 Ill. Reg. 2284, effective January 22, 2004)

STATE UNIVERSITIES RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill.Adm.Code 1600
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1600.10	Amendment
1600.60	New Section
1600.137	New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) Effective Date of Amendments: January 23, 2004
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposed Published in the Illinois Register: 5/30/2003 27 Ill. Reg. 8849
- 10) Has JCAR issued a Statement of Objection to this amendment? Yes
- 11) Differences between proposal and final version: In response to the objection, the final version of the rulemaking contains a one-year sick leave accrual schedule (subsection (d)), instead of the original two-year schedule. In addition, subsection (g) was added to the final version. Sections 1600.10 and 1600.137 are unchanged from the original rule.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1600.120	Amendment	12/1/03, Volume 27, Issue 48

STATE UNIVERSITIES RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The purpose of the amendment is to specify what pay is considered earnings in the calculation of the final rate of earnings, and the rulemaking defines “retirement pay” and “severance or separation pay”.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Dan M. Slack, General Counsel
State Universities Retirement System
1901 Fox Drive, Champaign, IL 61820
(217) 378-8877

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

STATE UNIVERSITIES RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
<u>1600.60</u>	<u>Sick Leave Accrual Schedule</u>
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.130	Procurement
<u>1600.137</u>	<u>Overpayment Recovery</u>
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROs
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO
1600.157	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158	Alternate Payee's Address

STATE UNIVERSITIES RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1600.159 Electing Form of Payment
- 1600.160 Automatic Annual Increases
- 1600.161 Expiration of a QILDRO
- 1600.162 Reciprocal Systems QILDRO Policy Statement
- 1600.163 Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004.

Section 1600.10 Definitions

Unless the context requires a different meaning, terms used in ~~this Part these rules~~ shall be defined and interpreted in accordance with Article 15 of the Illinois Pension Code; [40 ILCS 5/15]. Ill. Rev. Stat. 1981, ch. 108½, par. 15-101 et seq.

"Unmarried". The definition of unmarried as referred to in Section 15-145(c) shall include never married and divorced persons.

(Source: Amended at 28 Ill. Reg. 2292, effective January 23, 2004)

Section 1600.60 Sick Leave Accrual Schedule

- a) Under Section 15-113.4 of the Illinois Pension Code [40 ILCS 5/15-113.4], SURS grants service credit for unused sick leave.
- b) A member who retires within 60 days immediately following his or her termination with the employer covered under the State Universities Retirement

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System is entitled to credit for service for that portion of unused and unpaid sick leave earned in the course of employment.

- c) The employer must certify the number of unused and unpaid sick days consistent with subsection (e) on the member's termination report provided to SURS.
- d) Service credit is granted for unused and unpaid sick leave verified by the employer in accordance with the following schedule:
- 1) 0-19 full work days = no service credit
 - 2) 20-59 full work days = 0.25 years of service credit
 - 3) 60-119 full work days = 0.50 years of service credit
 - 4) 120-179 full work days = 0.75 years of service credit
 - 5) 180-259 full work days = 1 year of service credit
 - 6) 260-299 full work days = 1.25 years of service credit
 - 7) 300-359 full work days = 1.50 years of service credit
 - 8) 360-419 full work days = 1.75 years of service credit
 - 9) 420+ full work days = 2.0 years of service credit
- e) Only uncompensated, unused sick leave earned in accordance with an employer's sick leave accrual policy generally applicable to employees or a class of employees shall be taken into account in calculating service credit under this Section. Any sick leave granted by an employer to facilitate the hiring, retirement, termination, or other special circumstances of an employee shall not be taken into account in calculating service credit for retirement.
- f) If a participant transfers from one employer to another, the unused sick leave credited by the previous employer shall be considered in determining service to be credited under this Section, even if the participant terminated prior to the effective date of P.A. 86-272 (August 23, 1989).

(Source: Added at 28 Ill. Reg. 2292, effective January 23, 2004)

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Section 1600.137 Overpayment Recovery

Under Section 15-185 of the Illinois Pension Code [40 ILCS 5/15-185], the Board of Trustees of the System may deduct from any benefit payable to participants, annuitants, survivors, and beneficiaries amounts owed to the System due to or because of the participant's service.

The System may recover overpayments from any benefit payable due to the participant's service in the System, including annuity benefits, survivor benefits, separation refunds, disability benefits and death benefits. If anyone receiving a benefit due to the participant's service is overpaid, the overpayment may be recovered from any current or future benefits paid to the same person or other person receiving benefits due to the participant's service.

(Source: Added at 28 Ill. Reg. 2292, effective January 23, 2004)

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Aviation Safety

2) Code Citation: 92 Ill. Adm. Code 14

3) Section Numbers:

Adopted Action:

14.10	Repeal
14.210	Repeal
14.220	Repeal
14.230	Repeal
14.240	Repeal
14.310	Repeal
14.320	Repeal
14.330	Repeal
14.340	Repeal
14.410	Repeal
14.420	Repeal
14.430	Repeal
14.440	Repeal
14.450	Repeal
14.460	Repeal
14.470	Repeal
14.480	Repeal
14.510	Repeal
14.520	Repeal
14.530	Repeal
14.540	Repeal
14.550	Repeal
14.560	Repeal
14.570	Repeal
14.580	Repeal
14.585	Repeal
14.590	Repeal
14.595	Repeal
14.597	Repeal
14.610	Repeal
14.620	Repeal
14.625	Repeal
14.630	Repeal
14.640	Repeal
14.650	Repeal

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NOTICE OF ADOPTED REPEALER

14.655	Repeal
14.660	Repeal
14.665	Repeal
14.670	Repeal
14.675	Repeal
14.680	Repeal
14.685	Repeal
14.690	Repeal
14.695	Repeal
14.710	Repeal
14.720	Repeal
14.730	Repeal
14.740	Repeal
14.750	Repeal
14.760	Repeal
14.765	Repeal
14.770	Repeal
14.775	Repeal
14.780	Repeal
14.785	Repeal
14.790	Repeal
14.792	Repeal
14.795	Repeal
14.797	Repeal
14.799	Repeal
14.810	Repeal
14.820	Repeal
14.830	Repeal
14.840	Repeal
14.850	Repeal
14.860	Repeal
14.865	Repeal
14.870	Repeal
14.875	Repeal
14.880	Repeal
14.885	Repeal
14.890	Repeal
14.902	Repeal
14.905	Repeal
14.910	Repeal

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NOTICE OF ADOPTED REPEALER

14.915	Repeal	
14.920	Repeal	
14.925	Repeal	
14.930	Repeal	
14.935	Repeal	
14.940	Repeal	
14.945	Repeal	
14.950	Repeal	
14.955	Repeal	
14.960	Repeal	
14.965	Repeal	
14.970	Repeal	
14.975	Repeal	
14.980	Repeal	
14.985	Repeal	
14.990	Repeal	
14.995	Repeal	
14.997	Repeal	
14.998	Repeal	
14.999	Repeal	
APPENDIX A	Repeal	
APPENDIX B	Repeal	
APPENDIX C		Repeal
APPENDIX D	Repeal	
TABLE A	Repeal	
TABLE B	Repeal	
TABLE C	Repeal	
TABLE D	Repeal	

- 4) Statutory Authority: Implementing and authorized by Sections 28, 42(3), and 47 of the Illinois Aeronautics Act [620 ILCS 5/28, 42(3) and 47]
- 5) Effective Date of Repealer: January 26, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.

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NOTICE OF ADOPTED REPEALER

- 9) Notice of Proposal Published in Illinois Register:
September 12, 2003, 27 Ill. Reg. 14404
- 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? No changes were necessary.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: The Department repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, adopted a new set of Aviation Safety rules that reorganize and update the Part. Additionally, the Department added a new category of aircraft to the new Part – the Ultralights – that was not covered under the repealed Part.
- 16) Information and questions regarding this adopted repealer shall be directed to:
Mr. Roger Finnell, Acting Chief
Bureau of Aviation Safety
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive
Springfield, Illinois 62707
(217)785-8514

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Aviation Safety
- 2) Code Citation: 92 Ill. Adm. Code 14
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
14.100	New Section
14.105	New Section
14.110	New Section
14.115	New Section
14.120	New Section
14.130	New Section
14.200	New Section
14.210	New Section
14.220	New Section
14.230	New Section
14.300	New Section
14.310	New Section
14.320	New Section
14.330	New Section
14.400	New Section
14.410	New Section
14.420	New Section
14.430	New Section
14.440	New Section
14.450	New Section
14.460	New Section
14.500	New Section
14.510	New Section
14.520	New Section
14.530	New Section
14.540	New Section
14.550	New Section
14.560	New Section
14.570	New Section
14.580	New Section
14.600	New Section
14.610	New Section
14.620	New Section
14.630	New Section
14.640	New Section

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14.700	New Section
14.710	New Section
14.720	New Section
14.730	New Section
14.740	New Section
14.750	New Section
14.760	New Section
14.770	New Section
14.800	New Section
14.810	New Section
14.820	New Section
14.830	New Section
14.840	New Section
14.850	New Section
14.860	New Section
14.870	New Section
14.880	New Section
14.900	New Section
14.910	New Section
14.920	New Section
14.930	New Section
14.940	New Section
14.950	New Section
14.960	New Section
14.1000	New Section
14.1010	New Section
14.1020	New Section
14.1030	New Section
14.1100	New Section
14.1105	New Section
14.1110	New Section
14.1115	New Section
14.1120	New Section
14.1125	New Section
14.1130	New Section
14.1135	New Section
14.1140	New Section
14.1145	New Section
14.1150	New Section
14.1155	New Section

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14.1160	New Section
14.1165	New Section
14.1170	New Section
14.1175	New Section
14.1180	New Section
14.1185	New Section
14.1190	New Section
14.1195	New Section
14.1196	New Section
14.Appendix A	New
Illustration A	New
Illustration B	New
Illustration C	New
Illustration D	New
Illustration E	New
Illustration F	New
Illustration G	New
Illustration H	New
Illustration I	New
Illustration J	New
14.Appendix B	New
Table A	New
Table B	New
14.Appendix C	New
Illustration A	New
14.Appendix D	New
Table A	New
14.Appendix E	New
Illustration A	New
Illustration B	New
Illustration C	New
Illustration D	New
14.Appendix F	New
Table A	New
14.Appendix G	New
Illustration A	New
Illustration B	New
Illustration C	New
Illustration D	New
Illustration E	New

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Illustration F	New
Illustration G	New
14.Appendix H	New
Table A	New
Table B	New
Table C	New

- 4) Statutory Authority: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5]
- 5) Effective Date of Rules: January 26, 2004
- 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 Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 12, 2003; 27 Ill. Reg. 14465
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:

The following changes were made in agreement with JCAR:

At Section 14.440(b)(1), the Department changed "within" to "at least".

Various grammatical corrections were made at JCAR's request.
- 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: By this Notice, the Department, through its Division of Aeronautics, has adopted a new, reorganized and updated Part on Aviation Safety while simultaneously adopting a repealer of the old rules, notice and text of which appear elsewhere in this issue of the *Illinois Register*. Following is a Section by Section analysis of the differences between the new rules and the repealed rules.

Section 14.100 Purpose and Applicability

This new Section has been added to provide an overview of the Part and to state how the Division of Aeronautics (the Division) will apply and interpret the Part. Additionally, the Division's contact numbers and addresses are contained in this new Section.

Section 14.105 Definitions

The Division added the following new definitions to the Part.

Act, Aerobatic Flight, Airplane, Applicant, Certificate Holder, Certificate of Approval, Certificate of Registration, Department, Design Helicopter/VTOL Aircraft, Displaced Threshold, Division, FAA, FAR, Final Approach and Takeoff Area (FATO), Flight Instruction, Fly-In Event, Heliport/Vertiport, Helistop/Vertistop, Hospital Heliport/Vertiport, Modification, Notice, Nuisance, Order, Pilot, Pilot-in-Command, Private-Use, Public-Use, Rotorcraft, Runway Protection Zone, Runway Safety Area, Sea Lane, Seaplane, Special Purpose Aircraft, STOL, STOL Operation, Stopway, Threshold, TLOF, Ultralight, Ultralight Trainer, Vertiport, VTOL, Wind Indicator

The Division omitted the following definitions because they are not used in the text of the new Part.

Air Instruction, Student Instruction, Air School, Aeronautics Instructor, Flying Club, Navigable Air Space, Airport Protection Privileges, Aerobatic Flight, Horizontal Plane, Approach Plane, Transition Plane, Inner Area, Outer Area, Turning Zone, Outer Limits of Turning Zone

Finally, some definitions have been modified in the new Part for purposes of accuracy.

Section 14.110 Operation Without Certificate of Approval Unlawful

This Section will replace Section 14.610, Operation Without Certificate of Approval Unlawful (under Subpart F: Airports), and Section 14.710, Operation Without Certificate of Approval Unlawful (under Subpart G: Restricted Landing Areas), in the repealed Part.

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This Section is better suited at Subpart A: General Provisions.

Section 14.115 Application Process for Original Certificate of Approval

This new Section replaces the following Sections in the repealed Part: Section 14.620, Application for Certificate of Approval; Section 14.650, Standards for Issuing Certificate of Approval; Section 14.720, Application for Certificate of Approval; and Section 14.750, Standards for Issuing Certificate of Approval. The new Section is written to more clearly state the requirements for obtaining a Certificate of Approval and is better suited to Subpart A: General Provisions since it applies to all airports and RLAs regardless of classification.

Section 14.120 Transfer/Modification/Rescission of Certificate of Approval

This new Section replaces Section 14.630, Application for Transfer of Certificate of Approval; Section 14.640, Alteration or Extension of an Existing Airport Unlawful Without Certificates of Approval; Section 14.730, Transfer of Certificates; and Section 14.740, Alteration or Extension of an Existing Restricted Landing Area Unlawful Without Certificate of Approval, in the repealed Part. The new Section is written to more clearly state the requirements for obtaining a transfer/modification/rescission of a Certificate of Approval and is better suited to Subpart A: General Provisions since it applies to all airports and RLAs regardless of classification.

Section 14.130 Waivers

This Section replaces Section 14.695 and Section 14.799 covering waivers in the repealed Part. The waiver provisions have been moved to Subpart A: General Provisions and additional language has been added to clarify under what conditions the Division may waive strict compliance with this Part.

Section 14.200 Registration of Aircraft

This Section replaces Section 14.210, Annual Registration of Pilots Required, in the repealed Part. No substantive changes were made other than to the title of the Section.

Section 14.210 Time and Manner of Registration

This Section replaces Section 14.220, Time and Manner of Registration, in the repealed Part. This Section is reformatted and minor grammatical changes have been made to improve the flow of the text. A provision requiring registration within 30 days of establishing residency in Illinois has been added, as well as a provision requiring

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registration every two years instead of annually.

Section 14.220 Exhibition of Certificates and Decals

This Section replaces Section 14.230, Exhibition of Federal Aircraft Certificates and Certificate of Registration thereof, in the repealed Part. This Section includes a provision covering the submission of a five-dollar fee to obtain a duplicate Certificate of Registration or Decal.

Section 14.230 Exceptions to Registration Requirements

This Section replaces Section 14.240, Exceptions to Registration Requirements, in the repealed Part. A new subsection referencing ultralights and ultralight trainers has been added to reflect a change in the definition of aircraft. A subsection in the repealed Part – Section 14.240(e) referencing aircraft regulated by the Illinois Aeronautics Board - has not been included because the Board no longer exists.

Section 14.300 Registration of Airman

This Section replaces Section 14.310, Annual Registration of Pilots Required, in the repealed Part. The substance between the old and new Sections is essentially the same.

Section 14.310 Time and Manner of Registration

This Section replaces Section 14.320, Time and Manner of Registration, in the repealed Part. This Section is reformatted and minor grammatical changes have been made to improve the flow of text. A new provision requiring registration within 30 days after establishing residency in Illinois has been added, as well as a provision requiring registration every two years instead of annually.

Section 14.320 Exhibition of Certificates

This Section replaces Section 14.330, Exhibition of Federal Pilot Certificates and Certificate of Registration thereof, in the repealed Part. This Section is essentially the same as the repealed Section except the Division has added a nominal fee of \$3.00 as payment for a duplicate Certificate of Registration in the event of loss or destruction or correction of the original Certificate.

Section 14.330 Exceptions to Registration Requirements

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This Section replaces Section 14.340, Exceptions to Registration Requirements, in the repealed Part. A provision encouraging but not requiring registration of pilots and flight instructors engaged in the flight of ultralights and ultralight trainers has been added to the new Part. The provision for persons operating model aircraft was deleted and subsection (d) in the repealed Section has also been deleted.

Section 14.400 Applicability

This new Section, under Subpart D: Air Safety, replaces Section 14.480, Applicability, in the repealed Part. A reference to Special Purpose Aircraft and ultralights has been added to the Section. A new provision has also been added that states that the authority of local officials is not limited by the Division's rules on Aviation Safety in taking appropriate action to stop, prevent or penalize persons for or from creating a nuisance.

Section 14.410 Responsibility and Authority of Pilot

This Section replaces Section 14.410 of the same name in the repealed Part. Subsection (c) of this Section has been renamed (from "Acrobatic" to Aerobatic") and is more precisely written in the new Part. At subsection (d), Minimum Safe Altitudes, provisions have been added covering locations over areas other than congested areas. Subsection (d)(2) in the repealed Part on special flight characteristics of helicopters has been deleted. Subsection (e) covering aircraft lights has been changed to include specifications on the type and color of lights to be displayed between sunset and sunrise and vice versa. Additionally, the Division has included a provision that gives the pilot-in-command the option not to display the anti-collision lights between sunrise and sunset for safety reasons. At subsection (g)(1), a reference to O'Hare International Airport has been deleted. Subsection (i) in the repealed Part, concerning aircraft principally engaged in interstate commerce, has been deleted in the new Part because, under 14 CFR 91, pilots are prohibited from operating in Class B airspace (at large airports like O'Hare and St. Louis Regional, for example).

Section 14.420 Use of Liquor, Narcotics and Drugs

This Section replaces Section 14.420 of the same name in the repealed Part. An additional restriction has been added to the new Part concerning blood alcohol content to be consistent with the FAA.

Section 14.430 Transportation of Explosives, Dangerous Articles or Illegal Substances

This Section replaces Section 14.450, Transportation of Explosives and Other Dangerous Articles, in the repealed Part. This Section is substantively the same as the repealed

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Section.

Section 14.440 Dropping Objects from Aircraft

This Section replaces Section 14.430 of the same name in the repealed Part. A new requirement to apply for a dropping permit within 14 days of the date of the scheduled drop has been added to this Section. Subsection (b) in the repealed Part, pertaining to enforcement of the requirements in the Section, has been removed.

Section 14.450 Fuel Requirements for Flight in VFR Conditions

This is a new Section added for safety reasons and for consistency with FAA regulations.

Section 14.460 Fuel Requirements for Flight in IFR Conditions

This is a new Section added for safety considerations and for consistency with FAA regulations.

Subpart E in the repealed Part titled: Reporting of Accidents Under Aircraft Financial Responsibility Law has been deleted from the new Part because of statutory changes to the Act.

Subpart E: Airports

This new Subpart replaces Subpart F: Airports in the repealed Part. Section 14.610, Operation Without Certificate of Approval Unlawful, has been moved to Section 14.110 in the new Part. Section 14.680, Airports for Non-Conventional Aircraft, is now Subpart F in the new Part and covers non-conventional aircraft. Section 14.690, Posting of Rules, in the repealed Part was removed entirely. Section 14.695, Waivers, in the repealed Part has been moved to Section 14.130 in the new Part.

Section 14.500 Airport Classification

This Section replaces Section 14.625, Airport Classification, in the repealed Part. It has been rewritten to establish only two types of airport classifications, public-use or private-use. It also incorporates Ultralight/STOL airports into the definition of "airport" for purposes of Subpart E. Finally, this Section establishes that all of Subpart E applies to airports.

Section 14.510 Application for Certificate of Approval

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This new Section replaces Section 14.620, Application for Certificate of Approval; Section 14.630, Application for Transfer of Certificate of Approval; Section 14.640, Alteration or Extension of an Existing Airport Unlawful Without Certificates of Approval; Section 14.650, Standards for Issuing Certificate of Approval; and Section 14.655, Location, in the repealed Part. This new Section prescribes the conditions requiring submission of an application for certification to the Division. It also references Section 14.115 and Section 14.120 that describe the application process in detail.

Section 14.520 Design and Layout Requirements

This Section replaces Section 14.660, Design and Layout, in the repealed Part. It references new Illustrations that describe minimum design and layout requirements for airports. No dimensional standards have been changed.

Section 14.530 Obstructions

This Section replaces Section 14.665, Obstructions, in the repealed Part. Language referencing specific obstructions such as railroads and highways has been incorporated into Section 14.Appendix A, Illustrations A and C.

Section 14.540 Airport Marking

This Section replaces Section 14.670, Airport Markings, in the repealed Part. Minor grammatical changes were made to the text. This new Section references Section 14.Appendix A, Illustrations F and G that have been added to describe how an airport is to be marked.

Section 14.550 Facilities

This Section replaces Section 14.675, Facilities, in the repealed Part. A list of the required facilities is now included in a new Table (Section 14.Appendix B, Table A) that differentiates between public and private airports.

Section 14.560 Responsibility of a Public-Use Airport Certificate Holder

Section 14.570 Responsibility of a Private-Use Airport Certificate Holder

These two Sections replace Section 14.685, Responsibility of Certificate Holder, in the repealed Part. Separate Sections were written to differentiate between the requirements

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for public-use and private-use airports – the primary difference being that public-use airports must have authorized personnel present during normal business hours.

Section 14.580 Restrictions on Use

This new Section has been added to reference a new Table (Section 14.Appendix B, Table B) that lists activities that are allowed at airports. Commercial parachute operations at Ultralight/STOL Airports are prohibited.

Subpart F: Airports for Non-Conventional Aircraft has been added to replace Section 14.680, Airports for Non-Conventional Aircraft; and Section 14.797, Restricted Landing Area – Balloon Ports, in the repealed Part.

Section 14.600 Airport Classification

This Section defines the different types of aircraft that are considered non-conventional and the airports that are designated for their use. It also establishes that all of Subpart F applies to airports for non-conventional aircraft.

Section 14.610 Application for Certificate of Approval

This new Section prescribes the conditions requiring submission of an application for certification to the Division for the operation of an airport for non-conventional aircraft. It also references Section 14.115 and Section 14.120 that describe the application process in detail.

Section 14.620 Public-Use of Airports for Non-Conventional Aircraft

This Section prescribes the minimum standards, facilities and responsibilities of the certificate holder for a public-use airport for non-conventional aircraft.

Section 14.630 Private-Use Airports for Non-Conventional Aircraft

This Section prescribes the minimum standards, facilities and responsibilities of the certificate holder for a private-use airport for non-conventional aircraft.

Section 14.640 Restrictions on Use

This Section references a new Table (Section 14.Appendix D, Table A) that includes a list of activities allowed at airports for non-conventional aircraft.

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Subpart G: Restricted Landing Areas

This new Subpart replaces Subpart G: Restricted Landing Areas in the repealed Part. Section 14.765, Landing Area; Section 14.785, Illinois Aeronautical Chart; Section 14.790, Restricted Landing Area – Heliport; Section 14.792, Restricted Landing Area – Heliport Approach Zones; Section 14.797, Restricted Landing Area – Balloon Ports; and Section 14.799, Waivers, in the repealed Part have all been deleted from the new Part; however, the provisions have been incorporated into various Sections within the new Part.

Subpart 14.700 Restricted Landing Area Classification

This new Section has been added to classify RLAs as private-use only.

Section 14.710 Application for Certificate of Approval

This Section replaces Section 14.720, Application for Certificate of Approval; Section 14.730, Transfer of Certificates; Section 14.740, Alteration or Extension of an Existing Restricted Landing Area Unlawful Without Certificate of Approval; Section 14.750, Standards for Issuing Certificates of Approval; Section 14.760, Location; and some of the provisions in Section 14.765, Landing Area, in the repealed Part. This Section prescribes the circumstances requiring submission of an application for certification to the Division. It also references Section 14.115 and Section 14.120 that describe the application process in detail.

Section 14.720 Design and Layout Requirements

This Section replaces some provisions in Section 14.765, Landing Area, in the repealed Part. It references Section 14.Appendix E, Illustrations A and B that have been added to prescribe the minimum design and layout requirements for restricted landing areas. The minimum width requirement has changed from 70' to 100'. A restriction prohibiting the growth of high crops within 32' of the edge of a landing area has been deleted.

Section 14.730 Obstructions

This Section replaces some provisions in Section 14.765, Landing Area, in the repealed Part. A provision has been added to this Section stating that an RLA must be continuously maintained free of obstructions. The Section also references Section 14.Appendix E, Illustration A, that has been added to describe obstruction clearances.

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Section 14.740 Facilities

This Section replaces Section 14.797(a), Restricted Landing Area – Balloon Ports, in the repealed Part. This Section now includes the minimum requirements for displaced threshold markers. The Section references Section 14.Appendix E, Illustration C that has been added to describe the marking of thresholds and/or displaced thresholds for RLAs.

Section 14.750 Responsibility of a Restricted Landing Area Certificate Holder

This Section replaces Section 14.770, Responsibility of Certificate Holder, in the repealed Part. Grammatical changes were made to improve the flow of text. Language has been added to insure that Division personnel will be able to make contact with an RLA operator or designee. This provision will facilitate the implementation of any Transportation Security Administration requirements.

Section 14.760 Fly-In Events, Prevention of Accidents Due to Overcrowding of Landing Areas

This new Section has been added to establish the Division's policy governing fly-in events at RLAs. This Section covers the responsibilities of the Certificate Holder as well as the pilot of each aircraft participating in the event.

Section 14.770 Restrictions on Use

This Section replaces Section 14.775, Restrictions on Use, and Section 14.780, Exceptions, in the repealed Part. This Section refers to the new Table (Section 14.Appendix F, Table A) that lists activities that are allowed at RLAs.

Section 14.800 Heliport/Vertiport Classification

This new Section replaces some of the provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. It, among other things, establishes that heliports/vertiports are classified as either public-use or private-use.

Section 14.810 Application for Certificate of Approval

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. This Section prescribes circumstances requiring submission of an application for certification to the Division. It also references Section 14.115 and Section 14.120 that describe the application process in detail.

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Section 14.820 Design and Layout Requirements

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. Provisions have been rewritten relevant to heliports - specifically, that every heliport must have two defined approach / takeoff paths a minimum of 90° apart. Additionally, this Section references Section 14.Appendix G, Illustrations A, B and C and Section 14.Appendix H, Table A, that prescribe minimum design and layout requirements for heliports / vertiports.

Section 14.830 Obstructions

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. This Section provides that a heliport must be continually free of obstructions to be eligible for a Certificate of Approval under this Part.

Section 14.840 Heliport Marking

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. The Section references Section 14.Appendix G, Illustrations E, F and G that have been added to prescribe marking at heliports.

Section 14.850 Facilities

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. It references Section 14.Appendix H, Table B that lists requirements for heliports.

Section 14.860 Responsibility of a Public-Use Heliport Certificate Holder

Section 14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport and Hospital Heliport Certificate Holder

These Sections replace Section 14.685, Responsibility of Certificate Holder, in the repealed Part. Separate Sections have been written for public-use and private-use heliports because public-use heliports are required to have authorized personnel present during normal business hours.

Section 14.880 Restrictions on Use

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This new Section references a new Table (Section 14.Appendix H, Table C) that lists activities that are allowed at heliports.

Subpart I: Special Purpose Aircraft

This Subpart replaces Subpart H: Special Purpose Aircraft in the repealed Part. Section 14.870, Prohibitions on Use, and Section 14.875, Proximity, in the repealed Part have been deleted from the new Part.

Section 14.900 Special Purpose Aircraft Designation

This Section replaces Section 14.820, Special Purpose Aircraft Designation, in the repealed Part. Provisions concerning the number of operations allowed have been moved to Section 14.950 in the new Part.

Section 14.910 Registration of Special Purpose Aircraft

This Section replaces Section 14.810, Operation Without Certificate of Registration Unlawful, and Section 14.830, Registration, in the repealed Part. Minor changes have been made to the text.

Section 14.920 Exemption from Registration

This Section replaces Section 14.840, Exemption from Registration, in the repealed Part. Minor changes have been made to the text.

Section 14.930 Compliance with Aircraft Registration

This Section replaces Section 14.850, Compliance with Aircraft Registration, in the repealed Part. Minor changes have been made to the text.

Section 14.940 Liability

This Section replaces Section 14.865, Liability, in the repealed Part. A provision has been added to the new Part concerning property owner liability to invitees for damages.

Section 14.950 Special Purpose Aircraft Operations

This Section replaces Section 14.860, Principal Base of Operations; Section 14.880, Glider-Sailplane Operations; and Section 14.885, Balloon Flight and Operations, in the repealed

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Part. A provision has been added to cover Helicopter/VTOL Aircraft Operations.

Section 14.960 Saving Clause

This Section replaces Section 14.890, Saving Clause, in the repealed Part. A new provision covering aircraft being used for medical emergencies has been added to the new Part.

Subpart J: Ultralights and Ultralight Trainers

This is a new Subpart added to include a new class of aircraft not in existence since the last revision to the repealed Part.

Section 14.1000 Registration for Ultralights and Ultralight Trainers

This Section encourages registration of ultralight aircraft with the Division.

Section 14.1010 Liability

This Section prescribes the liability of the pilot-in-command and the property owner where ultralight aircraft may land.

Section 14.1020 Ultralight/Ultralight Trainer Operations

This Section prescribes the areas where ultralight aircraft are allowed to operate.

Section 14.1030 Saving Clause

This Section prohibits ultralight aircraft from landing or taking-off from any public highway except for those ultralights owned or operated by the government.

Subpart K: Practice and Procedure

This Subpart replaces the Subpart of the same name in the repealed Part. However, Section 14.915, Reproduction of Documents; Section 14.930, Cover Page; and Section 14.935, Informal Documents, in the repealed Part have not been included in the new Part. The changes to Subpart K in the new Part are as follows:

At Section 14.1196, Administrative Review, a provision has been added regarding the appeal of a final decision.

Section 14.Appendix A, Illustrations A-J

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These new Illustrations have been added to replace Appendices A and B and Table B in the repealed Part. The Illustrations describe the minimum dimensional standards, the separation and gradient standards, the line of sight requirements, airport markings, displaced threshold markings and closed airport and runway markings for airports.

Section 14.Appendix B, Table A

This new Table replaces Section 14.675, Facilities, in the repealed Part.

Section 14.Appendix B, Table B

This new Table has been added to establish activities that are allowed at airports.

Section 14.Appendix C, Illustration A

This new Illustration prescribes the minimum standards for airports used for non-conventional aircraft.

Section 14.Appendix D, Table A

This new Table has been added to establish activities that are allowed at airports for non-conventional aircraft.

Section 14.Appendix E, Illustration A

This Illustration replaces Section 14.Appendix D in the repealed Part. It prescribes the minimum dimensional and obstruction clearance standards for RLAs.

Section 14.Appendix E, Illustration B

This Illustration has been added to prescribe the minimum separation and gradient standards for RLAs.

Section 14.Appendix E, Illustration C

This Illustration has been added to prescribe the markings of displaced thresholds at RLAs.

Section 14.Appendix E, Illustration D

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This Illustration replaces Section 14.Appendix A in the repealed Part. The Illustration depicts the marking of runways when the RLA and its runways are closed.

Section 14.Appendix F, Table A

This Table replaces Section 14.780, Exceptions, in the repealed Part. The Table lists activities that are allowed at airports.

Section 14.Appendix G, Illustrations A-C

These three Illustrations have been added to replace Section 14.Table C in the repealed Part. The Illustrations prescribe the minimum dimensional standards for heliports.

Section 14.Appendix G, Illustration D

This Illustration has been added to prescribe obstruction clearances required for heliports.

Section 14.Appendix G, Illustration E

Section 14.Appendix G, Illustrations F-G

These Illustrations have been added to prescribe the marking of heliports.

Section 14.Appendix H, Table A

This Table replaces Table C in the repealed Part. It lists minimum standards for heliports.

Section 14.Appendix H, Table B

This Table replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. It lists the minimum facilities required at the various heliports.

Section 14.Appendix H, Table C

This Table has been added to list activities that are allowed at heliports.

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

Mr. Roger Finnell, Acting Chief

DEPARTMENT OF TRANSPORTATION

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Bureau of Aviation Safety
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive
Springfield, Illinois 62707
(217)785-8514

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

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SUBCHAPTER b: AERONAUTICS

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AVIATION SAFETY

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AUTHORITY: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5].

SOURCE: Part repealed at 28 Ill. Reg. 2298, effective January 26, 2004; New Part adopted at 28 Ill. Reg. 2302, effective January 26, 2004.

For purposes of this Part, the singular shall include the plural, the plural the singular and the masculine the feminine.

SUBPART A: GENERAL PROVISIONS

Section 14.100 Purpose and Applicability

- a) This Part sets forth the standards for the creation, classification, modification, operation and certification of public and private aircraft landing areas, and it also regulates airmen and aircraft.
- b) This Part applies to all manned aircraft, including those not required to be registered with or approved by the Federal Aviation Administration (the FAA).

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- c) The Department of Transportation (the Department) will apply and interpret this Part, whenever practicable, in a manner consistent with the federal government and with other states.
- d) All forms referenced in this Part may be obtained by contacting the Division of Aeronautics (the Division) by phone at 217-785-8516, by writing to or visiting the Division at 1 Langhorne Bond Drive, Capital Airport, Springfield, IL 62707, by e-mail at Aero@nt.dot.state.il.us or by accessing the Division's web site at www.dot.state.il.us.

Section 14.105 Definitions

For purposes of this Part, the words, terms and phrases listed shall have the meanings ascribed to them as follows:

"Act" means the Illinois Aeronautics Act [620 ILCS 5].

"Administrator" as used, except as otherwise specifically provided in 14 CFR 1, effective October 1, 2002, shall mean the Administrator of the FAA or an officer or employee of the Administrator of the FAA designated by him in writing for the purpose specified in that designation.

"Aerobatic Flight" means maneuvers intentionally performed by an aircraft involving an abrupt change in attitude or an abnormal attitude or acceleration not necessary for normal flight.

"Aeronautics" means transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports, restricted landing areas, or other air navigation facilities and air instruction. (See Section 2 of the Act.)

"Air Navigation" means the operation or navigation of aircraft in the airspace over this State, or upon any airport or restricted landing area within this State. Air Navigation does not mean the taxiing of aircraft on the ground for repositioning or maintenance purposes. (See Section 10 of the Act.)

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"Air Navigation Facility" means any facility other than one owned or controlled by the federal government, used in, available for use in, or designed for use in, aid of air navigation, including airports, heliports/vertiports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instruments or devices used or useful as an aid, or constituting an advantage or convenience, to the safe takeoff, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, heliport/vertiport, or restricted landing area, and any combination of any or all such facilities. (See Section 9 of the Act.)

"Aircraft" means any device used or designed to carry humans in flight as specified by the Division in this Part. All devices required to be licensed as "aircraft" by the FAA on the effective date of this Part are "aircraft." The Division has, by Subpart J of this Part, specified the extent to which aircraft not required to be licensed by the FAA are subject to the provisions of this Part. (See Section 3 of the Act.)

"Airman" means any individual who operates or is licensed to operate an aircraft in flight. Airman as used in this Part also means pilot. (See Section 12 of the Act.)

"Airplane" means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings (14 CFR 1, effective October 1, 2002.)

"Airport" means any area of land, water or both, except a restricted landing area, that is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo; and, all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether established before or after the effective date of this Part. (Various airport classifications may be found in Subpart E, Subpart F and Subpart H of this Part.) (See Section 6 of the Act.)

"Airport Hazard" means any structure, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or takeoff at any airport or restricted landing area or is otherwise hazardous to the landing or takeoff of aircraft. (See Section 22 of the Act.)

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"Applicant" means, but is not limited to, the person, trust, company, governmental body, corporation, limited liability company or association to whom a Certificate of Approval may be issued.

"Certificate Holder" means, but is not limited to, the person, trust, company, governmental body, corporation, limited liability company or association to whom a Certificate of Approval has been issued.

"Certificate of Approval" means a certificate issued by the Division approving the operation of an airport or restricted landing area as specified by the Division.

"Certificate of Registration" means a certificate issued by the Division indicating that, for purposes of Subpart B of this Part, an individual has registered his FAA license, certificate or permit with the Division for his aircraft; and, for purposes of Subpart C of this Part, means a certificate issued by the Division indicating that an individual has registered his current and appropriate FAA issued pilot certificate with the Division.

"Civil Aircraft" means any aircraft other than a public aircraft. (See Section 5 of the Act.)

"Department" means the Illinois Department of Transportation.

"Design Helicopter/VTOL Aircraft" means a generic rotorcraft/vertical takeoff or landing (VTOL) aircraft that reflects the maximum size of all helicopters/VTOL aircraft expected to operate at the heliport/vertiport.

"Displaced Threshold" means a threshold that has been displaced to provide for obstruction clearance. The portion of runway behind a displaced threshold may be available for takeoffs in either direction or landings from the opposite direction.

"Division" means the Illinois Department of Transportation, Division of Aeronautics, 1 Langhorne Bond Drive, Capital Airport, Springfield, IL 62707-8415.

"FAA" means the Federal Aviation Administration.

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"Final Approach and Takeoff Area" or "FATO" means a defined object-free area over which the final phase of the approach to a hover, or a landing, is completed and from which the takeoff is initiated.

"Flight Instruction" means the imparting of aeronautical knowledge by a FAA authorized flight instructor specifically involving the actual flight of an aircraft, or by a FAA sanctioned flight instructor involving the actual flight of an Ultralight training aircraft.

"Fly-In Event" means any congregation of aircraft, other than based aircraft, in excess of six aircraft.

"Heliport/Vertiport" means a generic reference to the area of land, water or structure used, or intended to be used, for the landing and takeoff of helicopters/VTOL aircraft, together with associated buildings and facilities.

"Helistop/Vertistop" means a minimally developed helicopter/VTOL aircraft facility for boarding and discharging passengers or cargo. The heliport/helistop, vertiport/vertistop relationship is comparable to a bus terminal - bus stop relationship with respect to the extent of services provided or expected.

"Hospital Heliport/Vertiport" means a heliport/vertiport limited to serving only helicopters/VTOL aircraft engaged in air ambulance, or hospital related functions.

"IFR" means instrument flight rules.

"Landing Strip" means a portion of the usable area within an airport boundary that either in its natural state or as a result of construction work is suitable for the landing and takeoff of aircraft.

"Modification" means any change to the Certificate of Approval as originally issued by the Division, including, but not limited to, extension or alteration of the airport or restricted landing area, change in ownership, change in classification or change in status.

"Municipality" means any county, city, village or town of this State and any other political subdivision, public corporation, authority, or district in this State, or any combination of two or more of the same that is or may be authorized by law to acquire, establish, construct, maintain, improve and operate airports and other air navigation facilities. (See Section 20 of the Act.)

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"Notice" means a legal document prepared by the Division, to be published in a newspaper in the county in which the airport or restricted landing area sought to be established, altered or extended is, or is proposed to be located, indicating that the Division intends to enter an Order regarding the application for the proposed airport or restricted landing area, or the alteration or extension thereof. (See Section 60 of the Act.)

"Nuisance" means operating an aircraft in an annoying or vexatious manner.

"Operation of Aircraft or Operate Aircraft" means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft. Any person who causes or authorizes such use of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft. Operation of aircraft does not mean ground movement for repositioning or maintenance purposes. (See Section 11 of the Act.)

"Order" means a legal document prepared by the Division, to be published in a newspaper in the county in which the airport or restricted landing area sought to be established, altered or extended is, or is proposed to be located, that may either grant or deny an application for a Certificate of Approval. If granted, the Order allows the applicant to begin construction of the proposed airport or restricted landing area, or the alteration or extension thereof. (See Section 60 of the Act.)

"Person" means, but is not limited to, any individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, joint venture, public service corporation or body politic; and includes any trustee, receiver, assignee or other similar representative. (See Section 17 of the Act.)

"Pilot" means airman.

"Pilot-in-Command" means the person who has final authority and responsibility for the operation and safety of the flight; and, has been designated as pilot-in-command before or during the flight; and, holds the appropriate category, class and type rating, if appropriate, for the conduct of the flight.

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"Private Use" means that an airport is not open to the general public. Use is limited to the Certificate Holder and any other users as authorized by the Certificate Holder.

"Public Aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government aircraft engaged in carrying persons or property for commercial purposes. (See Section 4 of the Act.)

"Public Use" means that an airport is open to the general public.

"Restricted Landing Area (RLA)" means any area of land, water, or both that is used or is made available for the landing and takeoff of aircraft that is intended for private use. (See Section 8 of the Act.)

"Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors (14 CFR 1, effective October 1, 2002.)

"Runway" means the paved, hard surfaced or stabilized central portion of a landing strip.

"Runway Protection Zone" means a defined area off the end of a runway that is clear of incompatible objects and activities.

"Runway Safety Area (RSA)" means a defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

"Sea Lane" means a water landing and departure surface.

"Seaplane" means all aircraft designed for water operations and includes amphibious aircraft when they are operating on water.

"Special Purpose Aircraft" means the following: manned balloons, lighter-than-air aircraft, seaplanes, sailplanes, gliders and other powerless aircraft, heavier-than-air aircraft, agricultural aircraft during the time used solely for agriculture applications, helicopters/VTOL aircraft, and any other aircraft as designated by

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the Division. Use and limitations provisions for special purpose aircraft are contained in Subpart I of this Part.

"State" or "this State" means the State of Illinois. (See Section 7 of the Act.)

"STOL" means short takeoff and landing.

"STOL Operation" means the operation of an aircraft, at some weight within its approved operating weight, in compliance with applicable federal STOL standards, characteristics and airworthiness.

"Stopway" means a defined rectangular surface beyond the end of a runway, prepared or suitable for use in lieu of a runway, to support an airplane without causing structural damage to the airplane during an aborted takeoff.

"Threshold" means the beginning of that portion of runway available for landing. In some instances the landing threshold may be displaced.

"TLOF" means Touch Down and Lift-off Area, commonly referred to as a helipad and normally centered in a Final Approach and Takeoff Area (FATO).

"Ultralight" means any aircraft intended to be used by a single occupant for recreation or sport purposes only, does not have an airworthiness certificate, weighs less than 155 pounds if non-powered, or if powered, weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation, has fuel capacity not exceeding five U.S. gallons, is not capable of more than 55 knots calibrated air speed at full power in level flight and has a power-off stall speed that does not exceed 24 knots calibrated air speed.

"Ultralight Trainer" means any aircraft that does not have an airworthiness certificate, is used or intended to be used in the air for training Ultralight pilots, and meets the requirements for operating under an FAA approved Ultralight training exemption.

"Vertiport" means, for the purposes of this Part, a heliport.

"VFR" means visual flight rules.

"VTOL" means aircraft capable of vertical takeoff and landing operations.

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"Wind Indicator" means tetrahedron, wind tee or wind cone (windsock).

Section 14.110 Operation Without Certificate of Approval Unlawful

It shall be unlawful for any municipality or other political subdivision, or officer or employee thereof, or for any person, company or association of persons to use or operate any airport or restricted landing area for which a Certificate of Approval has not been issued by the Division; provided, that no Certificate of Approval shall be required for an airport or restricted landing area which was in existence and approved by the Illinois Aeronautics Commission, whether or not being operated on or before July 1, 1945, and all representations, conditions and restrictions incidental to the latter have been fulfilled and complied with. (See Section 47 of the Act.)

Section 14.115 Application Process for Original Certificate of Approval

An applicant for an original Certificate of Approval for a new airport or RLA must complete the following process before a Certificate of Approval will be issued by the Division. All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).

- a) The applicant must personally contact the Division either by phone at 217-785-8516, in writing at 1 Langhorne Bond Drive, Capital Airport, Springfield, IL 62707, or by e-mail at Aero@nt.dot.state.il.us to request an initial inspection of the site proposed to be used for the airport or RLA.
- b) The applicant must include proof of continuing property interests in, and authority to operate, the requested airport or RLA on the subject property as evidenced by:
 - 1) the approval of the property owner (i.e., a letter with the property owner's signature) if not the same as the applicant, or
 - 2) a copy of the deed or long-term lease.
- c) Division personnel will visit the proposed site, as early as Division priorities will allow, to determine if the minimum standards for the operation of an airport or RLA, as prescribed in either Section 14.510(a), 610(a), 710(a) or 810(a), can be achieved.
 - 1) After an initial inspection has been performed and the site is determined to be acceptable under this Part, an Application for Certificate of Approval

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form (Form AER 2059 for an airport or RLA or Form AER 2060 for a heliport) must be completed and signed, along with FAA Forms 7480-1 (Notice of Landing Area Proposal) and 7480-2 (Sketch), and the originals mailed or hand-delivered to the Division at the address noted in Section 14.100(d).

- 2) If the proposed site is not acceptable, under this Part, Division personnel will advise the applicant as to what can be done to achieve an acceptable site (e.g., cut trees, clear brush) or suggest an alternative site.
- d) The Division will submit FAA Forms 7480-1 and 7480-2 to the FAA for an airspace determination. Once the Division has received a favorable airspace determination from the FAA (in approximately 30-60 days), the applicant will be notified in writing and the Division will proceed in processing the application for Certificate of Approval. If the FAA issues a non-favorable airspace determination, the applicant will be notified in writing as to what criteria needs to be met to receive a favorable determination (e.g., pattern agreement with another airport or RLA, cut trees).
- e) The Division will publish a Notice in the local newspaper, within the county of the proposed site of the airport or RLA, indicating that the Division intends to publish an Order granting or denying a Certificate of Approval, with a copy simultaneously mailed to the applicant. All interested persons may, prior to the publication of the Order in the newspaper, file objections to or comments on the proposed Order by writing to the Division, at the address noted in Section 14.100(d), within 15 days after the date of publication of the Notice in the newspaper. The Division will consider any comments or opposition received within the 15-day period prior to making a decision to grant or deny a Certificate of Approval and prior to publishing the Order. (See Section 60 of the Act.)
- f) If no comments or opposition to the proposed airport or RLA are received by the Division within the 15-day period, the Division will publish an Order in the local newspaper, within the county of the proposed site of the airport or RLA approving the construction, with a copy simultaneously mailed to the applicant. The Order will include the terms and restrictions (e.g., number of based aircraft, restrictions on use) associated with the issuance of the Certificate of Approval, as well as providing information as to a completion date for construction and for the final inspection of the airport or RLA that must occur before the Certificate of Approval will be issued. (See Section 60 of the Act.)

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- g) After the Order is published, interested persons may write or e-mail comments to the Division, or request a hearing in writing (see Subpart K), at the address noted in Section 14.100(d), as to the validity or reasonableness of the Order. Comments will be accepted for a 15-day period after publication of the Order in the local newspaper. Unless the Division finds that a hearing is necessary or that a longer period of time is appropriate, the Order will be effective 20 days after publication in the local newspaper. A Certificate of Approval may be issued anytime after the effective date of the Order. The Division will consider all comments received within the 15-day period prior to making a decision whether to grant or deny a Certificate of Approval. (See Section 60 of the Act.)
- h) After publication of the Order, if a hearing is requested, the Division will schedule it at the earliest date possible in the county seat of the county where the proposed airport or RLA is to be located. All interested persons will be notified in writing at least 10 days prior to the scheduled date of the hearing. After the hearing has been held, the Division will issue a Supplemental Order indicating the findings and conclusions of the hearing and whether the original Order will stand or whether it will be modified. A copy of the Supplemental Order will be mailed to the applicant as well as to the person or persons requesting the hearing.
- i) The applicant will have 18 months from the effective date of the Order to complete construction of the airport or RLA. The applicant shall contact the Division in writing or by phone, as noted in Section 14.100(d), within 30 days after the completion of construction of the airport or RLA to schedule a final inspection with the Division. If the requirements of this Part have been met upon completion of construction and final inspection, the Division will issue a Certificate of Approval for the operation of the airport or RLA to the applicant.
- j) If the applicant is unable to complete construction of the airport or RLA, or, if the requirements of this Part have not been met within 18 months of the effective date of the Order, the applicant may request in writing, at the address noted in Section 14.100(d), an extension of time of the expiration date noted in the Order. The applicant must state the reasons for requesting the extension of time (e.g., weather delays, financial reasons) in the written request. The Division may grant or deny an extension of time based on whether the applicant has shown good cause to justify the request. If an extension of time is granted, the additional period of time allowed will be at the Division's discretion. If a request for an extension of time is denied, or if the minimum standards of this Part cannot be met, the application for a Certificate of Approval becomes null and void on the date the Order expires.

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Section 14.120 Transfer/Modification/Rescission of Certificate of Approval

All forms referenced in this Section may be obtained from the Division as noted in Section 14.100(d).

- a) Transfer of Certificate of Approval. Any applicant desiring to have an airport or RLA Certificate of Approval transferred to his name must complete the following process.
 - 1) Complete and sign an Application to Transfer Certificate of Approval form (Form AER 2058). This application must also be signed by the present Certificate Holder (if available) and notarized. An original application must be mailed or delivered to the Division at the address noted in Section 14.100(d).
 - 2) Include proof that the applicant has the authority to operate the requested airport or RLA on the subject property as evidenced by:
 - A) the written approval of the prior Certificate Holder or, if deceased, executor or administrator of the estate, or
 - B) a copy of the deed or long-term lease.
 - 3) Division personnel will visit the airport or RLA, as early as Division priorities will allow, to determine whether it meets the minimum standards found in this Part, or, whether it meets the minimum standards in effect at the time of certification for the operation of an airport or RLA, before a transfer will be approved.
 - A) If the Division finds that the minimum standards have been met, the Division will issue an Order approving the transfer of the Certificate of Approval that will become effective immediately, with a copy simultaneously mailed to the applicant along with a new Certificate of Approval. No Notice is required for this action and the Order is not required to be published in the newspaper.
 - B) If the minimum standards of this Part have not been met, or, if the airport or RLA is not in compliance with the minimum standards in effect at the time of certification, the Division will advise the

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applicant as to what corrective measures need to be taken to achieve compliance (e.g., cut trees, clear brush). Once the Division has determined that standards have been met, the Division will issue an Order approving the transfer of the Certificate of Approval that will become effective immediately, with a copy simultaneously mailed to the applicant along with a new Certificate of Approval.

- b) Modification of Certificate of Approval. No person shall make an extension or alteration to an existing airport or RLA that will require a modification of the Certificate of Approval without first having secured an Order from the Division approving the extension or alteration. Extensions or alterations will be considered in accordance with the applicable standards provided in either Section 14.510(a), 610(a), 710(a) or 810(a).
 - 1) The Certificate Holder shall complete an Application for Approval of Extension or Alteration to an Airport or RLA form (Form AER 2057) and shall state the nature of the proposed extension or alteration to the airport or RLA in the application. An extension or alteration requiring a modification to the Certificate of Approval includes, but is not limited to the following:
 - A) Construction, realignment, alteration or activation of any runway or other aircraft landing or takeoff area on an airport or RLA, or a taxiway associated with a landing or takeoff area on an airport or RLA, that causes any material change in the length, width or direction of any runway, other aircraft landing or takeoff area, or taxiway on an airport or RLA.
 - B) Change of any traffic pattern or traffic pattern altitude or direction.
 - C) Construction or installation of any building or other structure on the airport or RLA property that would extend above an approach slope, transition slope or turning zone.
 - D) Planting or permitting to grow any vegetation or placement of any other obstacle on the airport or RLA property that would extend above an approach slope, transition slope or turning zone.

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- E) Discontinuance of any runway or other aircraft landing or takeoff area of an airport or RLA, as such, or any taxiway associated with a landing or takeoff area of an airport or RLA, for a period of one year or more.
 - F) Change in status of an airport or RLA from private-use to public-use, or change in status of any airport from public-use to private-use or RLA.
- 2) If the extension or alteration is such that a FAA Form 7480-1 must be submitted to the FAA for airspace approval (the requirements are listed on the instruction sheet for the Form 7480-1), the Division will submit the form on behalf of the applicant.
 - 3) Once the Division has received a favorable airspace determination from the FAA (in approximately 30-60 days), if required, the applicant will be notified in writing and the Division will proceed in processing Form AER 2057. If the FAA issues a non-favorable airspace determination, the applicant will be notified in writing as to what criteria needs to be met to receive a favorable determination (e.g., obstruction removed).
 - 4) The Division will publish a Notice in the local newspaper, within the county where the airport or RLA is located, indicating that the Division intends to publish an Order granting or denying the modification to the Certificate of Approval, with a copy of the Notice simultaneously mailed to the applicant. All interested persons may, prior to the publication of the Order in the newspaper, file objections to or comments on the proposed Order by writing to the Division, at the address noted in Section 14.100(d), within 15 days after the date of publication of the Notice in the newspaper. The Division will consider any comments or opposition received within the 15-day period prior to making a decision to grant or deny a modification of the Certificate of Approval and prior to publishing the Order. (See Section 60 of the Act.)
 - 5) If no comments or opposition to the proposed extension or alteration of the airport or RLA are received by the Division within the 15-day period, the Division will publish an Order in the local newspaper, within the county where the airport or RLA is located, approving the proposed extension or alteration of the airport or RLA and the modification of the Certificate of Approval, with a copy simultaneously mailed to the applicant. The Order

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will include a description of the proposed extension or alteration, any terms and restrictions (e.g., runway orientation, length) associated with the issuance of a modified Certificate of Approval, a completion date for the extension or alteration, and a provision that a final inspection of the airport or RLA is to be conducted prior to the issuance of the modified Certificate of Approval.

- 6) After the Order is published, interested persons may write or e-mail comments to the Division, or request a hearing in writing (see Subpart K), at the address noted in Section 14.100(d), as to the validity or reasonableness of the Order. Comments will be accepted for a 15-day period after publication of the Order in the local newspaper. Unless the Division finds that a hearing is necessary or that a longer period of time is appropriate, the Order will be effective 20 days after publication in the local newspaper. A modified Certificate of Approval may be issued to the Certificate Holder anytime after the effective date of the Order. The Division will consider any comments received within the 15-day period prior to making a decision to grant or deny a modified Certificate of Approval. (See Section 60 of the Act.)
- 7) If a hearing is requested, the Division will schedule it at the earliest date possible in the county seat of the county where the airport or RLA is located. All interested persons will be notified in writing at least 10 days prior to the scheduled date of the hearing. After the hearing has been held, the Division will issue a Supplemental Order indicating the findings and conclusions of the hearing and whether the original Order will stand or whether it will be modified. A copy of the Supplemental Order will be mailed to the Certificate Holder as well as to the person or persons requesting the hearing.
- 8) The Certificate Holder will have 18 months from the effective date of the Order to complete the extension or alteration of the airport or RLA. The Certificate Holder shall contact the Division in writing or by phone, as noted in Section 14.100(d), within 30 days after the completion of the extension or alteration of the airport or RLA to schedule a final inspection with the Division. If the minimum standards of this Part have been met upon completion of the extension or alteration and final inspection, the Division will issue a modified Certificate of Approval to the Certificate Holder for the operation of the airport or RLA that includes any extension or alteration made to the airport or RLA.

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- 9) If the Certificate Holder is unable to complete the extension or alteration of the airport or RLA within 18 months of the effective date of the Order, the Certificate Holder may request in writing, at the address noted in Section 14.100(d), an extension of time of the expiration date in the Order. The Certificate Holder must state the reasons for requesting the extension of time (e.g., delay in starting the project, weather delays) in the written request. The Division may grant or deny an extension of time based on whether the Certificate Holder has shown good cause to justify the request. If an extension of time is granted, the additional period of time allowed will be at the Division's discretion. If the request for an extension of time is denied, the application for the extension or alteration to the airport or RLA becomes null and void on the date the Order expires.
- 10) The Division may initiate the modification of a Certificate of Approval if it finds, upon inspection, that the airport or RLA is not being operated in accordance with this Part or with the standards in effect at the time the original Certificate of Approval was issued for the airport or RLA. Modifications will be made after the issuance of a Notice, Order and opportunity to be heard as outlined in subsections (b)(4), (5), (6) and (7) of this Section.
 - c) Rescission of Certificate of Approval. The Certificate Holder, the property owner, and the Division each have the authority to request that a Certificate of Approval to operate an airport or RLA in Illinois be rescinded. Additionally, rescission may be accomplished by Operation of Law as provided in subsection (c)(4) of this Section.
 - 1) Rescission by Certificate Holder. The Certificate Holder shall submit a completed Rescission of Certificate of Approval form (Form AER 2548) authorizing the closing of an airport or RLA and requesting that the Division rescind the Certificate of Approval. The form shall include the reasons for the rescission. A voluntary rescission by the Certificate Holder requires that the Division issue an Order of Rescission and mail a copy to the Certificate Holder. No Notice is required. The Order is not required to be published in the local newspaper but will be entered into the Division's records.
 - 2) Rescission by Property Owner. The owner of the property that an airport or RLA is located upon shall submit a completed Rescission of Certificate

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of Approval form authorizing the closing of an airport or RLA and requesting that the Division rescind the Certificate of Approval. The form shall include the reason(s) for the rescission, as well as a notarized statement indicating that the Certificate Holder no longer has the authority to operate the airport or RLA on the subject property. A voluntary rescission by the property owner requires the Division to issue an Order of Rescission and mail copies to the property owner and the Certificate Holder. No Notice is required. The Order is not required to be published in the local newspaper but will be entered into the Division's record.

- 3) Rescission by the Division. The Division will rescind a Certificate of Approval if it finds that an airport or RLA is not being operated in accordance with this Part, or is not safe or is not being maintained or operated safely. The abandonment of an airport or RLA for a period of two consecutive years shall be just cause for the Division to rescind a Certificate of Approval. Any rescission by the Division will be after the issuance of a Notice, Order and an opportunity to be heard as outlined in subsections (b)(4), (5), (6) and (7) of this Section. (See Section 49 of the Act.)
- 4) Rescission by Operation of Law. Each Certificate of Approval will automatically expire, with no further action required, upon the death of the Certificate Holder or dissolution of the corporation, Limited Liability Company (LLC), Limited Liability Partnership (LLP), Association, etc. holding the Certificate of Approval, unless the Division receives an Application to Transfer Certificate of Approval form (Form AER 2058) and the airport or RLA is in compliance with the minimum standards of this Part.

Section 14.130 Waivers

- a) The Division may waive strict compliance with any portion of this Part in connection with any particular application or request for a waiver, if the applicant demonstrates that the waiver:
 - 1) is necessary;
 - 2) will not adversely affect air traffic;
 - 3) will not interfere with future development of the airport or RLA;

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- 4) will not substantially impair the safety of the public's use of the airport; and
 - 5) will not diminish the safety of those using or living near the airport or RLA (i.e., the applicant must produce documentation indicating that the aircraft he proposes to utilize at the airport or RLA only requires a short strip for takeoff and landing, thereby allowing a waiver of the minimum length requirements).
- b) In evaluating a request for a waiver, the Division will consider, but is not limited to considering:
- 1) the volume and type of aircraft using the airport or RLA;
 - 2) the navigational aids;
 - 3) the length and width of the landing strip;
 - 4) the instrument approaches;
 - 5) the function of the airport or RLA in the current national and State airport and airway plan;
 - 6) the nature of the terrain;
 - 7) the possibilities for future development;
 - 8) the proximity to neighbors;
 - 9) the population density; and
 - 10) the pattern agreements.
- c) The applicant must complete and sign an Application for Waiver form (Form AER 2056) that shall be submitted with the application for Certificate of Approval for an airport or RLA, or for an extension or alteration of an existing airport or RLA, in accordance with Section 14.115 and Section 14.120. The Application for Waiver must contain clear and concise statements of the facts together with a request that a certain regulation be waived.

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- d) An Application for Waiver will be checked for accuracy by Division personnel and must be approved by the Bureau Chief of Aviation Safety and the Director of the Division. The applicant will be notified by the Division either in writing or by telephone, as soon as Division priorities will allow, as to whether the Application for Waiver has been approved.
- e) All decisions either approving or disapproving requests for waivers are final and are reviewable pursuant to Section 14.1196, Administrative Review.

SUBPART B: AIRCRAFT REGISTRATION

Section 14.200 Registration of Aircraft

Except as provided in Section 14.230, no person shall operate, or authorize to be operated, any civil aircraft in Illinois unless that aircraft has an appropriate effective license, airworthiness certificate or permit issued by the FAA for which a certificate of registration has been issued by the Division that is in full force and effect. (See Section 43 of the Act.)

Section 14.210 Time and Manner of Registration

All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).

- a) Except as provided in Section 14.230, all holders of Federal Aircraft Certificates for aircraft engaged in air navigation in Illinois shall complete an Application for Registration of Federal Aircraft Certificate form (Form AER 2048) within 30 days after establishing residency in Illinois or within 30 days after purchasing an aircraft. Each completed application shall contain at least the same information that is shown on the Federal Aircraft Certificate.
- b) The fee for the registration or transfer of registration of each Federal Aircraft Certificate is \$20.00 when paid within the first year of the current biennial registration cycle. Persons who register within the second year of the current biennial cycle must pay \$10.00. Remittance shall be payable to the State Treasurer of Illinois and shall be included at the time the application for registration is submitted to the Division. (See Section 42 of the Act.)
- c) The Division will then issue a biennial Certificate of Registration and a Decal that are required to be carried at all times in or on an aircraft engaged in air navigation in Illinois (see Section 14.220) and that will automatically expire upon transfer of

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ownership of the aircraft or on the date indicated on the Certificate of Registration. The Certificate of Registration and Decal will be mailed to the registrant as early as Division priorities allow. Each biennial registration cycle begins January 1 of all even years and expires December 31 of the following odd year. Renewal notices are mailed at the beginning of each cycle.

- d) No formal hearing will be held concerning an application for a Certificate of Registration. If additional information is needed, the Division may inquire about or investigate an application.

Section 14.220 Exhibition of Certificates and Decal

- a) Each Federal Aircraft Certificate and the Certificate of Registration and Decal issued by the Division shall be carried at all times in or on the aircraft engaged in air navigation in Illinois. Each certificate must be posted where it may be readily seen by passengers or inspectors (i.e., on the pocket of the kick panel) and must be presented for inspection upon demand by any passenger, any peace officer of this state, any officer or authorized employee or designee of the Division, or any official, manager or person in charge of any airport or RLA in Illinois upon which the aircraft lands. The Decal issued by the Division shall be affixed to the aircraft as prescribed in the instructions (above or near the "N" number on the right side of the aircraft) included with the Decal. (See Section 45 of the Act.)
- b) In the event of loss, mutilation, correction (i.e., name change) or destruction of a Certificate of Registration or Decal, the owner of a registered aircraft may obtain a duplicate from the Division upon notifying the Division in writing and submitting a payment of \$5.00 made payable to the State Treasurer of Illinois.

Section 14.230 Exceptions to Registration Requirements

Sections 14.200, 210 and 220 do not apply to subsections (a) - (f) of this Section provided the aircraft complies with all other applicable Sections of this Part.

- a) An aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of the licensed aircraft.
- b) An aircraft owned by a non-resident person of the state of Illinois lawfully entitled to operate the aircraft in the state of his or its residence.

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- c) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce.
- d) An aircraft while being transported in the possession of, or while being demonstrated to a potential buyer by a bonafide aircraft manufacturer, distributor or dealership.
- e) Ultralights and Ultralight Trainers (although the Division encourages registration).
- f) Publicly owned aircraft including military aircraft. (See Section 44 of the Act.)

SUBPART C: AIRMAN REGISTRATION

Section 14.300 Registration of Airman

Except as provided in Section 14.330, no person shall engage in the operation of an aircraft in Illinois unless he has obtained from the Division an effective registration of his current and appropriate airman certificate as issued by the FAA. No person shall engage in the operation of aircraft in Illinois unless current and qualified under 14 CFR 61, effective October 1, 2002. (See Section 43 of the Act.)

Section 14.310 Time and Manner of Registration

All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).

- a) Except as provided in Section 14.330, all holders of Federal Airman Certificates engaged in the operation of aircraft in Illinois shall complete a Biennial Application for Registration of Federal Airman Certificate form (Form AER 1967) within 30 days after establishing residency in Illinois. Each completed application shall contain at least the same information that is shown on the Federal Airman Certificate, including all ratings attached to the certificate.
- b) The fee for the registration of each Federal Airman Certificate is \$10.00 when paid within the first year of the current biennial registration cycle. Persons who register within the second year of the current biennial cycle must pay \$5.00. Remittance shall be payable to the State Treasurer of Illinois and shall be included at the time the application for registration is submitted to the Division. (See Section 42 of the Act.)

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- c) The Division will then issue a biennial Certificate of Registration that will automatically expire on the date indicated on the Certificate of Registration. The Certificate of Registration will be mailed to the registrant as early as Division priorities allow. Each biennial registration cycle begins January 1 of all even years and expires December 31 of the following odd year. Renewal notices are mailed at the beginning of each cycle.
- d) No formal hearing will be held concerning an application for a Certificate of Registration. If additional information is needed, the Division may inquire about or investigate an application.

Section 14.320 Exhibition of Certificates

- a) The Federal Airman Certificate and the Division's Certificate of Registration shall be kept in the personal possession of the pilot when he is operating an aircraft in Illinois. Both certificates must be presented for inspection upon demand by any passenger, any peace officer of this state, any officer or authorized employee or designee of the Division, or any official, manager or person in charge of any airport or RLA in Illinois upon which the airman lands. (See Section 45 of the Act.)
- b) In the event of loss, mutilation, correction (e.g., name change) or destruction of a Certificate of Registration, an airman may obtain a duplicate from the Division upon notifying the Division in writing and submitting a payment of \$3.00 made payable to the State Treasurer of Illinois.

Section 14.330 Exceptions to Registration Requirements

Sections 14.300, 310 and 320 do not apply to:

- a) A pilot operating military or public aircraft or any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of the licensed aircraft.
- b) Any person piloting an aircraft that is equipped with fully functioning dual controls, when a licensed instructor is in full charge of one set of controls and the flight is solely for instruction, or for the demonstration of the aircraft to a bonafide potential buyer.

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- c) A non-resident, operating aircraft in Illinois lawfully entitled to operate aircraft in the state of his residence.
- d) Pilots and flight instructors solely engaged in the flight of Ultralights and Ultralight Trainers (although the Division encourages registration).
- e) A pilot operating or taking part in the operation of an aircraft engaged solely in commercial flying constituting an act of interstate or foreign commerce. (See Section 44 of the Act.)

SUBPART D: AIR SAFETY

Section 14.400 Applicability

This Subpart D applies to aircraft operated in the state of Illinois and the overlying airspace, except for aircraft engaged in special flight operations requiring deviation from this Subpart D that are conducted in accordance with the terms and conditions of a valid certificate of waiver issued by the FAA. For information on Special Purpose Aircraft and Ultralights, see Subparts I and J respectively. This Subpart D does not limit the authority of local officials to take appropriate action to stop, prevent or penalize individuals for or from creating a nuisance. Normal operations, however, do not constitute a nuisance.

Section 14.410 Responsibility and Authority of Pilot

The pilot-in-command of the aircraft shall be directly responsible for its operation and shall have final authority as to the operation of the aircraft. In emergency situations that require immediate decisions and actions (e.g., engine failure), the pilot-in-command may deviate from this Subpart D to the extent required for safety considerations. When emergency authority is exercised, the pilot-in-command, upon request of the Division, shall file a written report that, at a minimum, describes the circumstances of the emergency and how the pilot-in-command deviated from this Subpart D.

- a) Careless or Reckless Operation
 - 1) No pilot shall operate an aircraft in a careless or reckless manner so as to endanger the person or property of another.
 - 2) Examples of careless or reckless aircraft operation that may endanger the person or property of another are:

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- A) Buzzing, diving on, or flying in close proximity to livestock, homes, any structure, aircraft, vehicle, vessel, person or group of persons.
 - B) Operating the aircraft at an insufficient altitude so as to endanger a person or property on the surface or passengers within the aircraft.
 - C) Lacking vigilance by the pilot to observe and avoid other air traffic.
 - D) Knowingly and substantially violating airport traffic rules established by the FAA or the airport owner.
 - E) Operating an aircraft without meeting the FAA's minimum qualifications and currency requirements for pilots.
- b) Proximity of Aircraft. No pilot shall operate an aircraft in proximity to or on a course relative to other aircraft so as to create a collision hazard. No aircraft shall be operated in formation flight except by pre-arrangement between the pilot-in-command of each aircraft. No pilot shall operate an aircraft in formation flight when passengers are carried for hire.
- c) Aerobatic Flight
- 1) No pilot shall intentionally fly an aircraft in aerobatic flight unless each occupant is equipped with a FAA approved parachute. Aerobatic flight relating to this Part means:
 - A) A bank in excess of 60° relative to the horizon; or
 - B) A nose up or nose down attitude in excess of 30° relative to the horizon.
 - 2) No pilot shall engage in aerobatic flight under the following conditions:
 - A) Over congested areas of cities, towns, settlements, or over an open-air assembly of persons.

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- B) Within any FAA designated airway or within the lateral boundaries of the surface areas of Class B, Class C, Class D or Class E airspace designated for an airport.
 - C) When the flight visibility is less than three statute miles.
 - D) Below an altitude of 1,500 feet above the surface.
- 3) Subsection (c)(1) of this Section does not apply to:
- A) Flight tests for pilot certification or rating; or
 - B) Spins and other flight maneuvers required by FAA regulations for any certificate or rating when given by:
 - i) An authorized flight instructor; or
 - ii) An airline transport pilot instructing in accordance with 14 CFR 61, effective October 1, 2002.
- d) Minimum Safe Altitudes. Except when necessary for takeoff or landing, and except as permitted by a FAA low flying waiver, no pilot shall operate an aircraft below the following altitudes at the following locations:
- 1) Anywhere. An altitude that will permit, in the event of the failure of a power unit, an emergency landing without hazard to a person or property on the surface.
 - 2) Over a Congested Area. Over any congested area of a city, town or settlement, or over any open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft. Helicopters and aircraft having similar flight characteristics may be flown at less than the minimum prescribed in this subsection (d)(2) if such operations are conducted without hazard to or disturbance of persons or property on the surface and in accordance with subsection (d) of this Section. However, the Division, in the interest of safety, may prescribe specific routes and altitudes for the operations, with which Special Purpose Aircraft shall conform.

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- 3) Over an Area Other Than Congested Area. At an altitude of 500 feet above the surface, except over open water or sparsely populated areas. In these cases, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle or structure. Helicopters may be flown at less than the minimums prescribed in this subsection (d)(3) if the operations are conducted without hazard to a person or property on the surface, and in accordance with subsection (d) of this Section.
- e) Aircraft Lights
- 1) Between sunset and sunrise, all aircraft in flight or operated on the ground, or under way on the water, shall display position lights and approved aviation red or aviation white anti-collision lights if so equipped.
 - 2) Between sunrise and sunset, all aircraft in flight shall display approved aviation red or aviation white anti-collision lights. However, the anti-collision lights need not be lighted if the pilot-in-command determines, due to operating conditions and in the interest of safety, the lights need not be on.
- f) Visual Flight Rules (VFR) – Basic VFR Weather Minimums
- 1) Except as provided in 14 CFR 91.155(b) or 14 CFR 91.157, effective October 1, 2002, no pilot may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed in 14 CFR 91.155(a), effective October 1, 2002.
 - 2) When the visibility is less than one statute mile, a helicopter may be operated outside Class E airspace at 1,200 feet or less above the surface, if operated at a speed that allows the pilot adequate opportunity to see any air traffic or other obstruction in time to avoid a collision.
 - 3) Except as provided in subsection (g) of this Section, no pilot may operate an aircraft beneath the ceiling within the lateral boundaries of Class E airspace designated to the surface for an airport, under VFR, when the ceiling is less than 1,000 feet.
 - 4) Except as provided in subsection (g) of this Section, no person may takeoff or land an aircraft, or enter the traffic pattern of an airport, under

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VFR, within the lateral boundaries of the surface areas of Class B, Class C, Class D or Class E airspace designated for an airport unless:

- A) Ground visibility at that airport is at least three statute miles; or
 - B) If ground visibility is not reported at that airport, flight visibility during landing or takeoff, or while operating in the traffic pattern, is at least three statute miles.
- 5) For the purposes of subsection (f) of this Section, an aircraft operating at the base altitude of Class E airspace is considered to be within the airspace directly below that area.
- g) Visual Flight Rules – Special VFR Weather Minimums.
- 1) When a pilot has received an appropriate Air Traffic Control (ATC) clearance, the special weather minimums of this subsection (g)(1), instead of those contained in subsection (f) of this Section, apply to the operation of an aircraft under VFR by that pilot in a Class B, Class C, Class D or Class E airspace designated for an airport.
 - 2) No pilot may operate an aircraft, other than a helicopter, under special VFR clearance, unless one statute mile of flight visibility and clear of clouds is maintained.
 - 3) Except for helicopters, no pilot may operate an aircraft under special VFR clearance between sunset and sunrise, unless that person meets the requirements for instrument flight under 14 CFR 61, effective October 1, 2002, and the aircraft is equipped as required in 14 CFR 91.205(d), effective October 1, 2002.
- h) VFR Cruising Altitude or Flight Level. Except while holding in a holding pattern of two minutes or less, or while turning, each pilot operating an aircraft under VFR in level cruising flight, more than 3,000 feet above the surface, shall maintain the appropriate altitude prescribed below.
- 1) When operating below 18,000 feet mean sea level (MSL) and:

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- A) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude + 500 feet (such as 3,500, 5,500 or 7,500); or
 - B) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude + 500 feet (such as 4,500, 6,500 or 8,500).
- 2) VFR Flight above 18,000 feet MSL is prohibited throughout the conterminous United States.

Section 14.420 Use of Liquor, Narcotics and Drugs

- a) No person may act as a pilot or required crewmember of a civil aircraft:
 - 1) within eight hours after the consumption of any alcoholic beverage;
 - 2) while under the influence of alcohol;
 - 3) while using any drug that affects his faculties in any way contrary to safety; or
 - 4) while having .04 percent by weight or more alcohol in the blood. (See Section 43(d) of the Act.)
- b) Except in an emergency, no pilot of a civil aircraft may allow a person who appears to be under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried as a passenger in that aircraft.

Section 14.430 Transportation of Explosives, Dangerous Articles or Illegal Substances

- a) No person piloting an aircraft shall permit explosives or other dangerous articles or material such as flammable liquids or solids, oxidizing materials, corrosive liquids or solids, or tear gas to be carried in aircraft, unless carried, contained and transported in a safe (by federal standards) manner. Small arms and ammunition for personal use consistent with applicable federal and State laws, necessary aircraft signaling devices and equipment necessary for the safe operation of the aircraft are permitted.
- b) The transportation of illegal substances is prohibited.

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Section 14.440 Dropping Objects from Aircraft

- a) No person, while operating or riding in any type of aircraft, shall cause to be dropped any object used to publicize or advertise any product, service, activity or event; including circulars, posters, handbills or other advertising matter.
- b) No person, owner or lessee, while operating or riding in any type of aircraft, may cause to be dropped any other object, unless he applies for and receives a dropping permit from the Division. Permit forms can be obtained by contacting the Division at the address noted in Section 14.100(d).
 - 1) The completed permit form must be received at least 14 days prior to the date of the scheduled drop.
 - 2) The permit form must specify the name and address of the person who will be authorized to make the drop, as well as the date, time and place for the drop and the object to be dropped.
 - 3) Approval is contingent upon whether the drop will constitute a safety hazard. If approved, the permit will be mailed to the person making the request before the day of the scheduled drop. (See Section 43(b) of the Act.)
- c) This Section does not prohibit the otherwise lawful use of aircraft for agricultural applications, fire suppression or pest control. The operator of an aircraft engaging in aerial applications shall carry on his person a permit issued by the State of Illinois, Department of Agriculture. (See Section 43(b) of the Act.)

Section 14.450 Fuel Requirements for Flight in VFR Conditions

- a) No pilot shall begin a flight in an airplane under VFR conditions unless, considering wind and forecast weather conditions, there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed:
 - 1) during the day, to fly after that for at least 30 minutes; or
 - 2) at night, to fly after that for at least 45 minutes.

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- b) No pilot shall begin a flight in a rotorcraft under VFR conditions unless, considering wind and forecast weather conditions, there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 20 minutes.

Section 14.460 Fuel Requirements for Flight in IFR Conditions

- a) Except as provided in subsection (b) of this Section, no pilot shall operate a civil aircraft in Instrument Flight Rule (IFR) conditions unless it carries enough fuel, considering weather reports and forecasts, and weather conditions, to:
 - 1) complete the flight to the first airport of intended landing; and
 - 2) fly from that airport to the alternate airport; and
 - 3) fly after that for 45 minutes at normal cruising speed or, for rotorcraft, fly after that for 30 minutes at normal cruising speed.
- b) Subsection (a)(2) of this Section does not apply if:
 - 1) 14 CFR 97, effective October 1, 2002, prescribes a standard instrument approach procedure for the first airport of intended landing; and
 - 2) for at least one hour before and one hour after the estimated time of arrival at the airport, the weather reports or forecasts, or any combination of them indicate:
 - A) the ceiling will be at least 2,000 feet above the airport elevation; and
 - B) visibility will be at least three statute miles.

SUBPART E: AIRPORTS

Section 14.500 Airport Classification

Airports and Ultralight/Short Takeoff and Landing (STOL) Airports shall be classified as public-use or private-use. For purposes of this Subpart E, the word "airport" includes Ultralight/STOL airports. The minimum standards for the establishment, management or operation of airports shall be in accordance with this Subpart E, including the minimum dimensional standards for airports as shown in Section 14.Appendix A, Illustrations A, B, C and D.

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Section 14.510 Application for Certificate of Approval

- a) New Airports. The Division will issue a Certificate of Approval for an airport in accordance with Section 14.115, taking into consideration:
- 1) the airport's proposed location;
 - 2) the airport's size and layout;
 - 3) the relationship of the proposed airport to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed airport will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart E, including Section 14.Appendix A, Illustrations A, B, C and D. (See Section 48 of the Act.)
- b) Transfer of Certificate of Approval. The Division will issue a new Certificate of Approval for the transfer of an airport in accordance with Section 14.120(a).
- c) Modification of Certificate of Approval. The Division will issue a new Certificate of Approval after completion of an airport extension or alteration that requires a modification of the Certificate of Approval in accordance with Section 14.120(b).

Section 14.520 Design and Layout Requirements

The minimum airport design and layout requirements shall be in accordance with subsections (a) and (b) of this Section, and with the standards and limitations shown in Section 14.Appendix A, Illustrations A, B, C and D.

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- a) Multiple Runway Airport. Relative to the minimum standards for an airport, the Division will not recognize any additional landing area as a runway or landing strip, unless the proposed second or additional landing area has a runway length of at least 80% of the effective length of the primary runway, or unless it is a designated STOL runway. To be a designated STOL runway, it must meet the criteria as prescribed in Section 14.Appendix A, Illustrations C and D.
- b) Line of Sight (LOS). Runway grades, terrain, structures, and permanent objects must be such that there will be an unobstructed LOS from any point five feet above one runway centerline to a point five feet above an intersecting runway centerline, both points being within the area of the runway's visibility zone. The runway's visibility zone is an area formed by connecting points located 50% of the distance between runway ends and the runway intersection. Additionally, LOS between same runway ends from a point five feet above the ends must be maintained. (See Section 14.Appendix A, Illustration E.)

Section 14.530 Obstructions

In order to be eligible for a Certificate of Approval under this Part, an airport must initially and continually be free of obstructions (e.g., buildings, trees, power poles, etc.) on all runway or landing approach/departure surfaces. Glide ratios and height limitations are shown in Section 14.Appendix A, Illustrations A and C.

Section 14.540 Airport Marking

- a) Every airport shall be marked so that the usable landing area is clearly defined as observed from an altitude of 1500' above ground level (AGL) in accordance with Section 14.Appendix A, Illustrations F and G.
- b) Airports that have a non-standard traffic pattern are required to have a segmented circle with traffic arms. Section 14.Appendix A, Illustration H depicts the dimensional standards for a segmented circle.
- c) Displaced thresholds (based on a 20:1 approach over all obstructions) shall be clearly marked in accordance with Section 14.Appendix A, Illustration I.
- d) All obstructions, such as pole lines that extend above a 20:1 approach slope measured from the physical end of the runway, that are difficult for pilots to observe readily from the air shall be clearly marked.

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- e) All obstructions or field conditions that constitute a hazard to aircraft on the ground, shall be clearly marked and visible from the air (e.g., yellow tape, orange cones).

Section 14.550 Facilities

Every airport shall provide at least the minimum facilities as prescribed in Section 14.Appendix B, Table A.

Section 14.560 Responsibility of a Public-Use Airport Certificate Holder

The holder of a Certificate of Approval for a public-use airport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous (e.g., rough terrain, soft ground) by prominently displaying an "X" as set forth in Section 14.Appendix A, Illustration J; and, also, by notifying the appropriate Federal Aviation Administration Flight Service Station (FAA-FSS) of those conditions. All other hazardous conditions (e.g., snow or ice on runway) should be reported immediately or NOTAMED (Notice to Airmen) to the FAA-FSS.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the airport in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.
- c) Have authorized personnel in attendance at the airport at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
- d) Ensure that the airport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the airport number, an answering device at the airport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is

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mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.

- e) Prescribe local airport rules that will be reviewed and approved, prior to their adoption, by the Division.
- f) Develop and follow, on the property subject to his control, operational maintenance and repair practices that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- g) Furnish the Division, upon request, with information concerning aircraft using the airport as an operating base, persons exercising managerial or supervisory functions at the airport, accidents, and the nature and extent of aeronautical activity occurring at the airport.
- h) Obliterate all signs and markings that might indicate that the airport is still operating, prior to the Division issuing an Order closing the airport, in accordance with Section 14.120(c). Place an "X" on the field, as set forth in Section 14.Appendix A, Illustration J, unless the airport is, or is proposed to be, operated as an RLA.

Section 14.570 Responsibility of a Private-Use Airport Certificate Holder

The holder of a Certificate of Approval for a private-use airport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by prominently displaying an "X" as set forth in Section 14.Appendix A, Illustration J.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the airport in the interest of safety.
- c) Ensure that the airport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the airport number, an answering device at the airport number shall provide a message identifying a reliable secondary

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number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.

- d) Prescribe local airport rules that will be reviewed and approved, prior to their adoption, by the Division.
- e) Develop and follow, on the property subject to his control, operational maintenance and repair practices that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- f) Furnish the Division, upon request, with information concerning aircraft using the airport as an operating base, persons exercising managerial or supervisory functions at the airport, accidents, and the nature and extent of aeronautical activity occurring at the airport.
- g) Obliterate all signs and markings that might indicate that the airport is still operating, prior to the Division issuing an Order closing the airport, in accordance with Section 14.120(c). Place an "X" on the field, as set forth in Section 14.Appendix A, Illustration J, unless the airport is, or is proposed to be, operated as an RLA.

Section 14.580 Restrictions on Use

For restrictions on use see Section 14.Appendix B, Table B.

SUBPART F: AIRPORTS FOR NON-CONVENTIONAL AIRCRAFT

Section 14.600 Airport Classification

Airports designated as seaplane bases or landing areas for seaplanes, or for non-conventional types of aircraft such as lighter-than-air aircraft or balloons shall be classified as public-use or private-use. The minimum standards for the establishment, management or operation of airports for non-conventional aircraft shall be in accordance with this Subpart F, including the minimum dimensional standards as shown in Section 14.Appendix C, Illustration A.

Section 14.610 Application for Certificate of Approval

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Issuance of a Certificate of Approval to an operator of an airport for non-conventional aircraft does not exempt the operator from compliance with all applicable federal, State and local regulations.

- a) New Airports. The Division will issue a Certificate of Approval for an airport for non-conventional aircraft in accordance with Section 14.115, taking into consideration:
 - 1) the airport's proposed location;
 - 2) the airport's size and layout;
 - 3) the relationship of the proposed airport to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed airport will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart F, including Section 14.Appendix C, Illustration A. (See Section 48 of the Act.)
- b) Transfer of Certificate of Approval. The Division will issue a new Certificate of Approval for the transfer of an airport in accordance with Section 14.120(a).
- c) Modification of Certificate of Approval. The Division will issue a new Certificate of Approval after completion of an airport extension or alteration that requires a modification to the Certificate of Approval in accordance with Section 14.120(b).

Section 14.620 Public-Use of Airports for Non-Conventional Aircraft

- a) Balloon Port.

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- 1) Physical Standards. The diameter of the launch circle shall be a minimum of 300 feet, as shown in Section 14.Appendix C, Illustration A.
- 2) Minimum Departure Slope. A balloon port must provide a 1:1 departure slope as measured from the nearest edge of the circle throughout its entire 360° circumference. All public utility lines, towers of all types, and inhabited buildings or dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle.
- 3) Facilities. Every balloon port shall provide:
 - A) Wind direction/velocity indicator (must be lighted for night use).
 - B) Adequate fire protection equipment.
 - C) Accessible telephone.
 - D) Potable water during business hours.
 - E) Sanitary restroom facilities.
 - F) First-aid kit.
- 4) Responsibility of a Public-Use Balloon Port Certificate Holder.
 - A) Supervise or cause the supervision of all aeronautical activity in connection with the balloon port in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.
 - B) Have authorized personnel in attendance at the balloon port at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
 - C) Ensure that the balloon port has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is

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not available at this number, an answering device at the balloon port number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided for in Section 14.115(a), within 10 days of the change.

- D) Prescribe local balloon port rules that will be reviewed and approved, prior to their adoption, by the Division.
 - E) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
 - F) Furnish the Division, upon request, with information concerning aircraft using the balloon port as an operating base, persons exercising managerial or supervisory functions at the balloon port, accidents, and the nature and extent of aeronautical activity occurring at the balloon port.
- b) Seaplane Base.
- 1) Physical Standards for Water Lane. Water landing and departure surfaces must be a minimum of 400 feet in width, as shown in Section 14.Appendix C, Illustration A.
 - 2) Water Lane Length and Minimum Clearances. The water lane length for all approaches to and takeoff from the water shall be sufficient to allow for a 100' clearance over all structures on land and water.
 - 3) Facilities. Every seaplane base shall provide:
 - A) Wind direction/velocity indicator (must be lighted for night use).
 - B) One 20# fire extinguisher (two with sale of fuel).
 - C) Accessible telephone.

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- D) Docking or beaching facility.
 - E) Accessible emergency personal flotation device (life ring or preserver).
 - F) Potable water.
 - G) Sanitary restrooms.
 - H) First-aid kit.
 - I) Segmented circle with arms where a non-standard traffic pattern is used.
 - J) Fuel.
- 4) Responsibility of a Public-Use Seaplane Base Certificate Holder.
- A) Notify the appropriate FAA-FSS of hazardous conditions.
 - B) Supervise or cause the supervision of all aeronautical activity in connection with the seaplane base in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.
 - C) Have authorized personnel in attendance at the seaplane base at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
 - D) Ensure that the seaplane base has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at this number, an answering device at the seaplane base number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the

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Division in writing, by phone or e-mail at the address provided for in Section 14.115(a), within 10 days after the change.

- E) Prescribe local seaplane base rules that will be reviewed and approved, prior to their adoption, by the Division.
- F) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- G) Furnish the Division, upon request, with information concerning aircraft using the seaplane base as an operating base, persons exercising managerial or supervisory functions at the seaplane base, accidents, and the nature and extent of aeronautical activity occurring at the seaplane base.

Section 14.630 Private-Use of Airports for Non-Conventional Aircraft

- a) Balloon Port.
 - 1) Physical Standards. The diameter of the launch circle shall be a minimum of 300 feet, as shown in Section 14.Appendix C, Illustration A.
 - 2) Minimum Departure Slope. A balloon port must provide a 1:1 departure slope as measured from the nearest edge of the circle throughout its entire 360° circumference. All public utility lines, towers of all types, and inhabited buildings or dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle.
 - 3) Facilities. Every balloon port shall provide a wind direction/velocity indicator (must be lighted for night use).
 - 4) Responsibility of a Private-Use Balloon Port Certificate Holder.
 - A) Supervise or cause the supervision of all aeronautical activity in connection with the balloon port in the interest of safety.
 - B) Ensure that the balloon port has a phone number by which Division personnel can reach the Certificate Holder or his

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designee. In the event that the Certificate Holder or his designee is not available at this number, an answering device at the balloon port number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.

- C) Prescribe local balloon port rules that will be reviewed and approved, prior to their adoption, by the Division.
 - D) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
 - E) Furnish the Division, upon request, with information concerning aircraft using the balloon port as an operating base, persons exercising managerial or supervisory functions at the balloon port, accidents, and the nature and extent of aeronautical activity occurring at the balloon port.
- b) Seaplane Base.
- 1) Physical Standards. Water landing and departure surfaces must be a minimum of 400 feet in width, as shown in Section 14.Appendix C, Illustration A.
 - 2) Minimum Clearances. All approaches to and departures from the water area shall be sufficient to clear all structures on the land or in the water by at least 100 feet.
 - 3) Facilities. Every seaplane base shall provide a wind direction/velocity indicator (must be lighted for night use).
 - 4) Responsibility of a Private-Use Seaplane Base Certificate Holder:
 - A) Supervise or cause the supervision of all aeronautical activity in connection with the seaplane base in the interest of safety.

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- B) Ensure that the seaplane base has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at this number, an answering device at the seaplane base number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
- C) Prescribe local seaplane base rules that will be reviewed and approved, prior to their adoption, by the Division.
- D) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- E) Furnish the Division, upon request, with information concerning aircraft using the seaplane base as an operating base, persons exercising managerial or supervisory functions at the seaplane base, accidents, and the nature and extent of aeronautical activity occurring at the seaplane base.

Section 14.640 Restrictions on Use

For restrictions on use see Section 14.Appendix D, Table A.

SUBPART G: RESTRICTED LANDING AREAS

Section 14.700 Restricted Landing Area Classification

Restricted Landing Areas (RLAs) shall be classified as private-use only. For the purposes of this Subpart G, the word RLA includes RLAs utilizing aircraft having STOL capabilities. An RLA shall provide a landing area sufficient for a safe operation, taking into consideration the type of aircraft to be used and the skill level of the pilots using the RLA. The minimum standards for the establishment, management or operation of RLAs shall be in accordance with this Subpart G, including the minimum dimensional standards as shown in Section 14.Appendix E, Illustrations A and B.

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Section 14.710 Application for Certificate of Approval

- a) New RLAs. The Division will issue a Certificate of Approval for an RLA in accordance with Section 14.115, and, taking into consideration:
 - 1) the RLA's proposed location;
 - 2) the RLA's size and layout;
 - 3) the relationship of the proposed RLA to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed RLA will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart G, including Section 14.Appendix E, Illustrations A and B. (See Section 48 of the Act.)
- b) Transfer of Certificate of Approval. The Division will issue a new Certificate of Approval for the transfer of an RLA in accordance with Section 14.120(a).
- c) Modification of Certificate of Approval. The Division will issue a new Certificate of Approval after completion of an RLA extension or alteration that requires a modification of the Certificate of Approval in accordance with Section 14.120(b).

Section 14.720 Design and Layout Requirements

The minimum RLA design and layout requirements shall be in accordance with the standards and limitations shown in Section 14.Appendix E, Illustrations A and B.

Section 14.730 Obstructions

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Minimum RLA obstruction clearance standards shall be in accordance with Section 14.Appendix E, Illustration A. In order for an RLA to be eligible for a Certificate of Approval under this Part, an RLA must initially and continually be free of obstructions (e.g., trees, power lines) on all runways or landing strips within the glide ratio and height limitations shown in Section 14.Appendix E, Illustration A.

Section 14.740 Facilities

Every RLA shall provide:

- a) Wind direction/velocity indicator (must be lighted for night use); and
- b) Clearly marked thresholds and/or displaced thresholds visible from 1500' above ground level (AGL) as shown in Section 14.Appendix E, Illustration C.

Section 14.750 Responsibility of a Restricted Landing Area Certificate Holder

The holder of a Certificate of Approval for an RLA or his authorized agent has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by prominently displaying an "X" as set forth in Section 14.Appendix E, Illustration D.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the RLA in the interest of safety.
- c) Maintain the landing area and approaches so as to permit safe operation in accordance with original certification standards.
- d) Ensure that the RLA has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at this number, a reliable secondary number where the Certificate Holder or his designee can be reached shall be available. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.

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- e) Furnish the Division, upon request, with information concerning aircraft using the RLA as an operating base, persons exercising managerial or supervisory functions at the RLA, accidents and the nature and extent of aeronautical activity occurring at the RLA.
- f) Obliterate all signs and markings that might indicate that the RLA is still operating as such, prior to the Division issuing an Order closing the RLA, in accordance with Section 14.120(c).

Section 14.760 Fly-In Events, Prevention of Accidents Due to Overcrowding of Landing Areas

- a) Whenever a fly-in event (more than six aircraft) is staged or held at any RLA, it shall be the responsibility of the Certificate Holder to:
 - 1) Provide, install, display and maintain clearly visible "Closed Runway" X markers, in accordance with Section 14.Appendix E, Illustration D (each of the four arms of each such X marker must be at least 60 feet long and at least 10 feet wide and of a color (preferably yellow) to contrast with the background on which it is installed).
 - A) Keep X markers in place at all times during the course of the event at or near each end of each landing strip or runway, other than the active landing strip or runway, to prevent mistaken or inadvertent use for landing.
 - B) Keep X markers in place at or near each end of the active landing strip or runway when all aircraft that can be accommodated have landed; or, where field, spectator, weather conditions or departure of aircraft on the ground shall render further landing of aircraft hazardous.
 - 2) Provide personnel to guide landed aircraft to and from the aircraft parking area and provide, designate and regulate parking of aircraft, automobiles or other vehicles in a safe manner.
 - 3) Provide and designate by readily discernible markings, landing strips or runways and taxiing space for landings and takeoffs, and aircraft movement on the ground during the course of the event. Landing strips or runways and taxiing space must be kept clear of persons, vehicles, animals

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and aircraft on the ground that are not taking off, landing or taxiing. In the event that any landing strip or runway, and any taxiing space, shall be approximately parallel, there shall be a clear minimum distance of 100 feet between their adjacent edges. Participating aircraft shall not be permitted to park closer than 100 feet to the edge-designating marker of a landing strip or runway used or designated for such use during the course of the event.

- b) It shall be the responsibility of the pilot of each aircraft participating in a fly-in event to look for and abide by:
 - 1) any restrictions displayed;
 - 2) "Closed Runway" X markers; and
 - 3) all taxiing and parking directions.

Section 14.770 Restrictions on Use

For restrictions on use see Section 14.Appendix F, Table A.

SUBPART H: HELIPORTS/VERTIPOINTS

Section 14.800 Heliport/Vertiport Classification

Heliports and Vertiports shall be classified as public-use or private-use. They may be designated as a Hospital Heliport, Helistop, Heliport, Vertiport or Vertistop. For purposes of this Subpart H, the word "heliport" includes vertiports, vertistops and helistops. The minimum standards for the establishment, management or operation of heliports shall be in accordance with this Subpart H, including the minimum dimensional standards shown in Section 14.Appendix G, Illustrations A, B and C and Section 14.Appendix H, Table A.

Section 14.810 Application for Certificate of Approval

- a) New Heliports. The Division will issue a Certificate of Approval for a heliport in accordance with Section 14.115, and, taking into consideration:
 - 1) the heliport's proposed location;
 - 2) the heliport's size and layout;

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- 3) the relationship of the proposed heliport to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed heliport will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart H, including Section 14.Appendix G, Illustrations A, B and C and Section 14.Appendix H, Table A. (See Section 48 of the Act.)
- b) **Transfer of Certificate.** The Division will issue a new Certificate of Approval for the transfer of a heliport in accordance with Section 14.120(a).
- c) **Modification of Certificate of Approval.** The Division will issue a new Certificate of Approval after completion of a heliport extension or alteration that requires a modification to the Certificate of Approval in accordance with Section 14.120(b). For purposes of this Section the phrase, "extension or alteration" shall include the following:
- 1) physical relocation of the FATO by more than 100' laterally or 25' vertically from the original certificated location;
 - 2) change in any approach/takeoff path by more than 30 degrees; or
 - 3) construction of one or more additional FATOs or TLOFs. (See Section 47 of the Act.)

Section 14.820 Design and Layout Requirements

Every heliport is required to have two defined approach/takeoff paths a minimum of 90° apart. Minimum heliport design and layout requirements shall be in accordance with the standards and limitations shown in Section 14.Appendix G, Illustrations A, B and C, and described in Section 14.Appendix H, Table A.

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Section 14.830 Obstructions

Minimum heliport obstruction clearance standards shall be in accordance with Section 14.Appendix G, Illustration D. In order to be eligible for a Certificate of Approval under this Part, a heliport must initially and continually be free of obstructions (e.g., power poles, trees, fencing, etc.) on all approach/takeoff paths within the glide ratio and height limitations shown in Section 14.Appendix G, Illustration D.

Section 14.840 Heliport Marking

Every heliport shall be marked so that the usable landing area is clearly defined as observed from an altitude of 500' AGL, in accordance with Section 14.Appendix G, Illustrations E, F and G.

Section 14.850 Facilities

Every heliport shall provide at least the minimum facilities as prescribed in Section 14.Appendix H, Table B.

Section 14.860 Responsibility of a Public-Use Heliport Certificate Holder

The holder of a Certificate of Approval for a public-use heliport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by displaying prominently a contrasting "X" over the FATO/TLOF, that is visible from a minimum of 500' AGL, and notify the appropriate FAA-FSS.
- b) Supervise or cause the supervision of all aeronautical activity in connection with, and in conformity with, the limitations prescribed in this Subpart H for a heliport.
- c) Have authorized personnel in attendance at the heliport at all times during published business hours (excluding helistops). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.

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- d) Ensure that the heliport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the heliport number, an answering device at the heliport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided for in Section 14.115(a), within 10 days after the change.
- e) Prescribe local heliport rules that will be reviewed and approved, prior to their adoption, by the Division.
- f) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- g) Furnish the Division, upon request, information concerning aircraft using the heliport as an operating base, persons exercising managerial or supervisory functions at the heliport, accidents, and the nature and extent of aeronautical activity occurring at the heliport.
- h) Obliterate all signs and markings that might indicate that the heliport is still operating, prior to the Division issuing an Order closing the heliport, in accordance with Section 14.120(c).

Section 14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport, and Hospital Heliport Certificate Holder

The holder of a Certificate of Approval for a private-use heliport, restricted landing area heliport or hospital heliport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by displaying prominently a contrasting "X" over the FATO/TLOF, that is visible from a minimum of 500' AGL.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the heliport in the interest of safety.

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- c) Ensure that the heliport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the heliport number, an answering device at the heliport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
- d) Prescribe local heliport rules that will be reviewed and approved, prior to their adoption, by the Division.
- e) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the heliport and approaches are free from hazards to the operation of aircraft.
- f) Furnish the Division, upon request, with information concerning aircraft using the heliport as an operating base, persons exercising managerial or supervisory functions at the heliport, accidents, and the nature and extent of aeronautical activity occurring at the heliport.
- g) Obliterate all signs and markings that might indicate that the heliport is still operating, prior to the Division issuing an Order closing the heliport, in accordance with Section 14.120(c).

Section 14.880 Restrictions on Use

For restrictions on use see Section 14.Appendix H, Table C.

SUBPART I: SPECIAL PURPOSE AIRCRAFT

Section 14.900 Special Purpose Aircraft Designation

The following aircraft are designated as Special Purpose Aircraft:

- a) Seaplanes, non-conventional type of aircraft such as lighter-than-air aircraft, or manned balloons.
- b) Sailplanes, gliders and other powerless, heavier-than-air aircraft.

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- c) Agricultural aircraft during the time they are being used solely for agricultural aerial applications.
- d) Helicopters/VTOL Aircraft.
- e) Any other aircraft as designated by the Division.

Section 14.910 Registration of Special Purpose Aircraft

- a) It shall be unlawful for any person to operate an aircraft designated as a Special Purpose Aircraft, under Section 14.900, to or from an uncertificated area in the state of Illinois, without first receiving a Certificate of Registration as a Special Purpose Aircraft from the Division. Application shall be made on forms prescribed by the Division, and shall include the name of the owner of the certificated area to be used for the Special Purpose Aircraft. Additionally, any other supporting information and documentation, as may be required from time to time by the Division for the registration of a Special Purpose Aircraft under Section 14.900, shall be submitted to the Division with the application. No aircraft shall be considered a Special Purpose Aircraft until the Division has issued a Certificate of Registration to the owner of the aircraft. The Certificate of Registration shall be carried in the Special Purpose Aircraft at all times while it is being operated in the State of Illinois as a Special Purpose Aircraft. (See Section 47 of the Act.)
- b) The certificate of registration is non-transferable either as to the applicant or the aircraft and authorizes only those uses proposed in the application. The certificate shall be valid for as long as the applicant owns the aircraft identified in the application, provided the aircraft's Federal Aircraft Certificate is properly registered annually with the State of Illinois in accordance with Subpart B.

Section 14.920 Exemption from Registration

Aircraft designated as Special Purpose Aircraft under the provisions of Section 14.900, that are owned by non-residents and based outside the State of Illinois, are exempt from the Special Purpose Aircraft registration requirements provided the aircraft complies with all other applicable Sections of this Subpart I, except Section 14.930.

Section 14.930 Compliance with Aircraft Registration

Regardless of any other provisions in this Subpart I, no aircraft shall be designated as a Special Purpose Aircraft unless the aircraft is properly registered with the Division, in accordance with Subpart B, as required by the Act. (See Section 43 of the Act.)

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Section 14.940 Liability

The pilot-in-command and/or owner of a Special Purpose Aircraft, operating to or from an uncertificated area shall be responsible for, and by so operating shall assume, the responsibility for any liability that may arise out of these operations. This Part shall not be interpreted as, nor does it give the pilot-in-command of the aircraft the right to trespass upon the property of another. The foregoing does not relieve a property owner from liability to invitees for damage arising from defects for which they have actual or constructive knowledge.

Section 14.950 Special Purpose Aircraft Operations

- a) Gliders/Sailplanes. Gliders/Sailplanes may utilize an uncertificated area for landings, but are expressly prohibited from taking off from an uncertificated area.
- b) Balloons. Manned balloons and other lighter-than-air aircraft, properly registered with the Division, may operate within the state of Illinois from uncertificated areas provided the pilot-in-command and/or the owner adheres to all of the requirements contained in this Part. Further, balloons, their pilots and/or owners, must comply with all of the requirements of 14 CFR 91, effective October 1, 2002, applicable to special purpose aircraft flight and/or operations.
- c) Helicopters/VTOL Aircraft. A helicopter cannot conduct more than 50 operations (takeoffs or landings) in a period of three consecutive months or 100 operations in a period of one year from the same uncertificated area. The same uncertificated area shall not be used for more than one year. An uncertificated area is defined as any location within a 2000' radius of the first point of landing.

Section 14.960 Saving Clause

The registration of an aircraft as a Special Purpose Aircraft and any other provisions contained in this Part shall in no way nullify any state laws that presently prohibit the landing or takeoff of aircraft from any public highway. These restrictions shall apply to aircraft registered as Special Purpose Aircraft, except aircraft owned or operated by the United States government, the state of Illinois and political subdivisions, and aircraft being used for medical emergencies. This Subpart I is not intended to interfere with any city, village or county ordinances.

SUBPART J: ULTRALIGHTS AND ULTRALIGHT TRAINERS

Section 14.1000 Registration for Ultralights and Ultralight Trainers

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Registration of Ultralights and Ultralight Trainers (and pilots of such aircraft) with the Division is encouraged but not required.

Section 14.1010 Liability

The pilot-in-command and/or owner of an ultralight aircraft, operating to or from an uncertificated area shall be responsible for, and by so operating shall assume, the responsibility for any liability that may arise out of these operations. This Part shall not be interpreted as, nor does it give the pilot-in-command of the aircraft the right to trespass upon the property of another. The foregoing does not relieve a property owner from liability to invitees for damage arising from defects for which they have actual or constructive knowledge.

Section 14.1020 Ultralight/Ultralight Trainer Operations

- a) Ultralights. Ultralight aircraft may operate from all certificated airports in Illinois subject to the rules and/or ordinances prohibiting such operation as adopted by the airport owner. The landing and takeoff of Ultralights will be permitted in uncertificated areas anywhere except the following:
 - 1) within four nautical miles of any airport;
 - 2) within two nautical miles of a RLA; or
 - 3) within one nautical mile of a heliport; unless, a Certificate of Approval has been issued. The flight over any congested area of a city, town or settlement, or over any open-air assembly of persons is prohibited.
- b) Ultralight Trainers. The landing and takeoff of Ultralight Trainers shall be limited to airports approved for flight instruction by the Division. The flight of Ultralight Trainers over any congested area of a city, town or settlement, or over any open-air assembly of persons is prohibited.

Section 14.1030 Saving Clause

The designation of aircraft as Ultralights or Ultralight Trainers, and any other provisions contained in this Subpart J, shall in no way nullify any state laws that presently prohibit the landing or takeoff of Ultralights or Ultralight Trainers from any public highway. These restrictions shall apply to aircraft designated as Ultralights or Ultralight Trainers, except those Ultralights or Ultralight Trainers owned or operated by the United States government, the state of Illinois and political subdivisions, and Ultralights or Ultralight Trainers being used for medical emergencies. This Part shall not be interpreted nor is it intended to interfere with any

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city, village or county ordinances that may restrict the uncertificated area from which an Ultralight or Ultralight Trainer may takeoff and/or land within the jurisdiction of the local governmental agency.

SUBPART K: PRACTICE AND PROCEDURE

Section 14.1100 Purpose and Applicability

- a) This Subpart serves as a guideline for the conduct of proceedings before the Division of Aeronautics. Because the Division functions under several statutes and because the procedural requirements of those statutes are not always consistent, this Subpart must be flexible and must vest significant discretion in how a proceeding is to be conducted by the Director of Aeronautics or the Administrative Law Judge ("ALJ") assigned.
- b) This Part applies only to non-contested cases such as hearings relating to the promulgation of airport hazard zoning regulations and the issuance (cf., involuntary revocation) of certificates for airports and restricted landing areas. Hearings for a "contested case", as that term is defined in the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100], will be conducted in accordance with applicable requirements of the IAPA, regulations of the Illinois Department of Transportation, and procedures established by the Illinois Aeronautics Act [620 ILCS 5].

Section 14.1105 Filing of Documents

Documents required to be filed with the Illinois Department of Transportation, Division of Aeronautics, shall be filed with the Director of the Division unless an Administrative Law Judge (ALJ) is involved. If an ALJ is involved, all materials shall be filed with the ALJ. Such documents shall be deemed filed when they are actually received and accompanied by the filing fee, if one is required.

Section 14.1110 Formal Specifications

All documents filed with the Division shall be typewritten or printed. Typewritten documents shall be on strong, durable paper not larger than 8½ by 11 inches, except that tables, maps and other documents may be larger if necessary, and if folded to the size of the document to which they are attached. Text shall be double-spaced except for footnotes and long quotations, which may be single-spaced. Type smaller than elite shall not be used. The left margin shall not be less than 1½ inches and all other margins at least one inch. If the document is bound, it shall be bound on the left side.

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Section 14.1115 Copies

- a) Unless otherwise specified, an executed original and one true copy of each document shall be filed. Copies of signed documents shall show the date and signatures appearing on the original.
- b) Copies of the Division's records may be obtained, upon written request and payment of the actual costs of copying, pursuant to the Freedom of Information Act [5 ILCS 140].

Section 14.1120 Verification of Documents

Unless otherwise required by applicable rules or regulations, every document in the nature of a pleading, including motions and answers thereto but excepting briefs and assignments of error, shall be dated, signed and verified substantially in the following form:

VERIFICATION

I have read and am familiar with the contents of the foregoing document and the attached exhibits, if any. I intend and desire that in granting or denying the relief requested, the Division shall place full and complete reliance upon the accuracy of each and every statement made in that document. I have diligently attempted to ascertain the truth of all such statements. Every statement contained in this document is true and not misleading, to the best of my knowledge and belief.

DATE: _____

SIGNATURE**Section 14.1125 Identity of Filer**

All documents shall identify the name, telephone number, and post office address of the person filing the document.

Section 14.1130 Amendment of Documents

- a) A pleading may be amended prior to the filing of a responsive pleading, or if no reply is filed, prior to the publishing either of a Notice of Hearing on the subject matter of the pleading or of the Order. Thereafter, amendments may be made only with leave of the Director or the ALJ.

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- b) All amendments shall be consecutively numbered, commencing with Amendment No. 1, and shall identify the document being amended.

Section 14.1135 Responsive Documents

Answers to applications, complaints, petitions, motions, or other documents or Orders instituting proceedings may be filed by any interested person. Protests or memoranda of opposition or support permitted by this Subpart may be filed in lieu of answers or combined with answers.

Section 14.1140 Service of Documents

- a) The Division. Formal complaints, Notices and Orders shall be served by the Division.
- b) The Parties. Petitions, informal complaints, motions, answers, protests and memoranda shall be served by the party filing the same on all other parties and on each person known to have a substantial interest in the proceeding. Responsive documents shall be served on all the parties.
- c) How Service may be Made. Service may be made by first class, registered, or certified mail; by electronic means (e.g., telefax), or by personal delivery.
- d) Proof of Service. Any document required to be served by this Part, shall contain a certificate of mailing or personal delivery executed by the person serving the document.
- e) Date of Service. Whenever proof of service is made, the date of mailing or the date of personal delivery shall be the date of service.

Section 14.1145 Appearances

- a) Who May Appear. Any party to a proceeding may appear and be heard in person or by attorney. A corporation, association, or public body or agency (including the Division) may appear and present evidence by any bona fide officer, employee or representative.
- b) Right to Counsel. Any party to any proceeding governed by this Subpart K may be accompanied, represented and advised by counsel, and may be examined by his own counsel.

Section 14.1150 Informal Participation in Hearing Cases

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In any proceeding which is to be determined after Notice and hearing, any interested person may appear and present evidence which is relevant to the issues. Such evidence shall be presented in either oral or written form as the ALJ, in his sole discretion, may direct. With the consent of the ALJ, such person may cross-examine witnesses and be cross-examined and within the time fixed, submit written statements or a brief to the ALJ with respect to the issues, which shall be filed and served as required of intervenors.

Section 14.1155 Formal Participation

Any person may file an application for leave to intervene in a proceeding, which application shall show a statutory right or a substantial interest in the proceeding. A person permitted to intervene in a proceeding thereby becomes a party to the proceeding for all purposes. No decision granting or denying intervention shall be deemed to constitute an expression of the Division with respect to the substantive right of the intervenor.

Section 14.1160 Computation of Time

- a) In computing any period of time prescribed or allowed by this Subpart, Notice, Order, regulation of the Division, the ALJ, or by any applicable statute; the day of the act, event or default after which the designated period of time begins to run, is not to be included.
- b) The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday for the Division, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday for the Division. When the period of time prescribed is seven days or less, intermediate Saturdays, Sundays and legal holidays for the Division shall be excluded in the computation.

Section 14.1165 Extensions of Time

The Division or the ALJ assigned to any proceeding may extend the time for taking any action, without notice, before the expiration of the prescribed period; or, on written motion, permit the act to be done after the expiration of the specified period when such action would be conducive to the ends of justice or not adverse to the public interest.

Section 14.1170 Motions

An application to the Division or the ALJ for an Order or ruling not otherwise specifically provided for shall be by written motion, except during hearing when it may be made orally. After a proceeding is assigned to an ALJ, all motions relating to procedural matters shall be addressed to the ALJ and no interlocutory appeal of his decision will be entertained. The ALJ

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may, in his discretion, refer any motion to the Director for decision. All motions shall be made at an appropriate time and served on all participants to the proceeding. This Section does not apply to motions for rehearing, reargument or reconsideration.

Section 14.1175 Answers to Motions

Within 10 days after a motion is served, or such other period as the Division or the ALJ may fix, a participant in the proceeding may file an answer. Replies to answers shall not be allowed, but all new matter contained in the answer shall be deemed controverted.

Section 14.1180 Subpoenas

- a) Issuance. Subpoenas for the attendance of witnesses, or for the production of books, papers, accounts or documents at a hearing in a proceeding pending before the Division may be issued by the Director or by the ALJ assigned to the proceeding, either sua sponte or on the written motion of a party showing good cause for the issuance of the subpoena.
- b) Motion. Motion for subpoenas shall be verified and shall specify the books, papers, accounts or documents desired, and the material and relevant facts to be proved by them. No subpoena shall be issued unless it is first determined that the matter sought is relevant, material and necessary, and that compliance with the subpoena will not result in harassment or undue hardship, inconvenience or expense to the party subpoenaed.
- c) Service. Service of subpoenas and payment of witness fees and expenses shall be made in the manner prescribed by the Illinois Supreme Court Rules, the Code of Civil Procedure [735 ILCS 5], and Section 47 of the Fees and Salaries Act [55 ILCS 45/47].

Section 14.1185 Administrative Law Judge (ALJ)

- a) Qualification. An ALJ must have knowledge of, and be willing to act consistent with, the policies of the Division of Aeronautics.
- b) Duties and Authority. The ALJ shall have the following powers, in addition to any other specified in this Subpart K:
 - 1) to give notice concerning and to hold hearings;
 - 2) to administer oaths and affirmations;

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- 3) to examine witnesses;
- 4) to issue subpoenas and to take or cause depositions to be taken;
- 5) to rule upon offers of proof and to receive relevant evidence;
- 6) to regulate the course and conduct of the hearing;
- 7) to determine the form in which evidence shall be submitted and the number of copies to be supplied and served;
- 8) to hold conferences, before or during the hearing, for the settlement or simplification of issues;
- 9) to rule on motions and to dispose of procedural requests or similar matters;
- 10) to grant extensions of time on any matter connected with the hearing;
- 11) to take any other action authorized by this Part, or by any Illinois aeronautics statute;
- 12) to waive, or otherwise grant a variance from, such procedural requirements as may be helpful to avoid an impracticable or unduly harsh consequence and which would not result in harm, cost or inconvenience to other persons; and
- 13) to rule on requests for protective Orders, which would prevent the disclosure of proprietary or personal information, whose disclosure would not be a public benefit.

Section 14.1190 Hearings

- a) Notice. The ALJ to whom the case is assigned, or the Division, shall give the parties reasonable notice of the time and place for a hearing or of the change in the date and place of a hearing and the nature of such hearing.
- b) Evidence. Evidence presented at the hearing shall be given under oath unless waived by the ALJ and shall be limited to material evidence relevant to the issues in the proceedings. Neither the Division, nor the ALJ, shall be bound by the

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technical rules of evidence or pleading; and, no informality in any proceeding, in the manner of content or testimony taken in a proceeding, shall invalidate any agency Order, decision or ruling made, approved or confirmed by the Division.

- c) **Administrative Notice.** The Division will take notice of its Orders, decisions, rules and regulations, and of any fact of which the courts and administrative agencies of the state of Illinois may take official notice.
- d) **Limitation of Witnesses.** The ALJ may limit the number of witnesses whose testimony is merely cumulative. The ALJ shall excuse, and remove if necessary, witnesses not offering relevant and material evidence.
- e) **Construction.** Rules with respect to evidence shall be applied toward the end that all needful and proper evidence shall be conveniently, inexpensively and speedily heard while preserving the substantial rights of the parties and the witnesses.
- f) **Objections to Evidence.** Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the ALJ. Rulings on such objections shall be a part of the transcript, to the extent that a transcript may exist.
- g) **Exceptions.** Formal exceptions to the rulings of the ALJ made during the course of the hearing are unnecessary. For all purposes for which an exception otherwise would be taken, it is sufficient that a party, at the time of the ruling of the ALJ is made or sought, makes known the action he desires the ALJ to take or his objection to an action taken, and his grounds therefor.
- h) **Offers of Proof.** Any offer of proof made in connection with an objection taken to any ruling of the ALJ, rejecting or excluding proffered oral testimony, shall consist of a statement of the substance of the evidence, which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form, or reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.
- i) **Substitution of Copies for Original Exhibits.** In his discretion, the ALJ may permit a party to withdraw original documents offered in evidence and substitute true copies in lieu thereof.

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- j) Record of Hearings. The ALJ shall determine whether the hearing shall be recorded electronically or whether a reporter shall record and prepare a transcript of the hearing. The ALJ shall make necessary arrangements for recording the hearing. If the record is made electronically, the unaltered tape or other recording medium shall be kept for three years. The tape shall be transcribed when the Division determines that it is necessary to do so (for example, for an appeal). The failure to have a stenographer prepare a transcript shall not invalidate a hearing.
- k) Corrections to Transcript. Changes in the official transcript may be made only when errors affecting substance are found. A motion to correct a transcript may be filed within 10 days after notice of the official transcript is sent to a party and before an Order is entered. If no objection is received, the transcript shall be automatically corrected. If an objection is received, the ALJ shall enter an Order on the motion.
- l) Briefs and Arguments. The ALJ may permit oral argument to be presented to him at the close of the hearing. Briefs and written argument may be submitted to him, if permitted by him in his discretion, and within the time prescribed by him. Copies of briefs and written arguments shall be served on all parties.

Section 14.1195 Petition for Rehearing

Within thirty days after the service of any ruling, Order or decision of the Division based upon a hearing, any party or person affected thereby may apply for a rehearing thereof in respect of any matter connected therewith specified in such application for rehearing. Petitions for rehearing shall be in writing, and shall state specifically the grounds relied upon for such rehearing, and shall be accompanied by proof of service thereof upon all the parties and persons affected thereby.

Section 14.1196 Administrative Review

Final decisions of the Division may be appealed in accordance with the Administrative Review Law [735 ILCS 5/Art III].

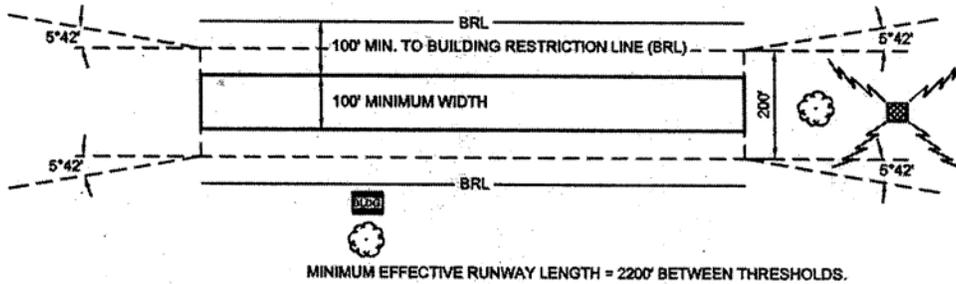
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

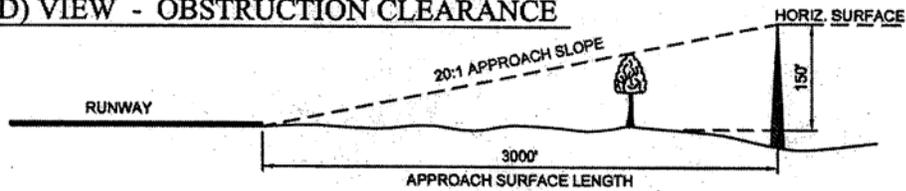
Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION A Airports (Public- or Private-Use) Minimum Dimensional Standards

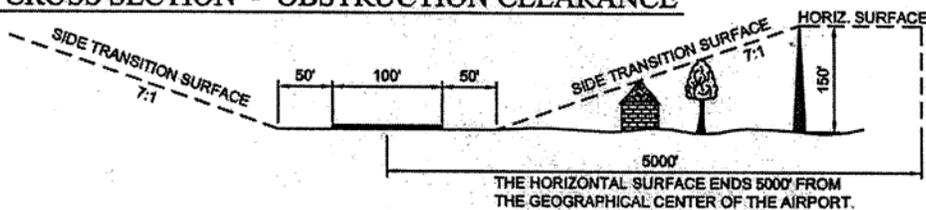
PLAN VIEW



PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



RUNWAY CROSS SECTION - OBSTRUCTION CLEARANCE



- NOTES:
1. NO PENETRATIONS TO 7:1 SIDE TRANSITION SURFACES.
 2. NO PENETRATIONS TO 20:1 RUNWAY APPROACHES.
 3. NO CROPS WITHIN 100' EITHER SIDE OF RUNWAY CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATE HIGHWAYS.
 - 23' CLEARANCE OVER ALL RAILROADS.

SECONDARY RUNWAYS: UNLESS DESIGNATED AS STOL, SECONDARY RUNWAYS ARE RECOMMENDED TO BE AT LEAST 80% OF THE EFFECTIVE LENGTH OF THE PRIMARY RUNWAY.

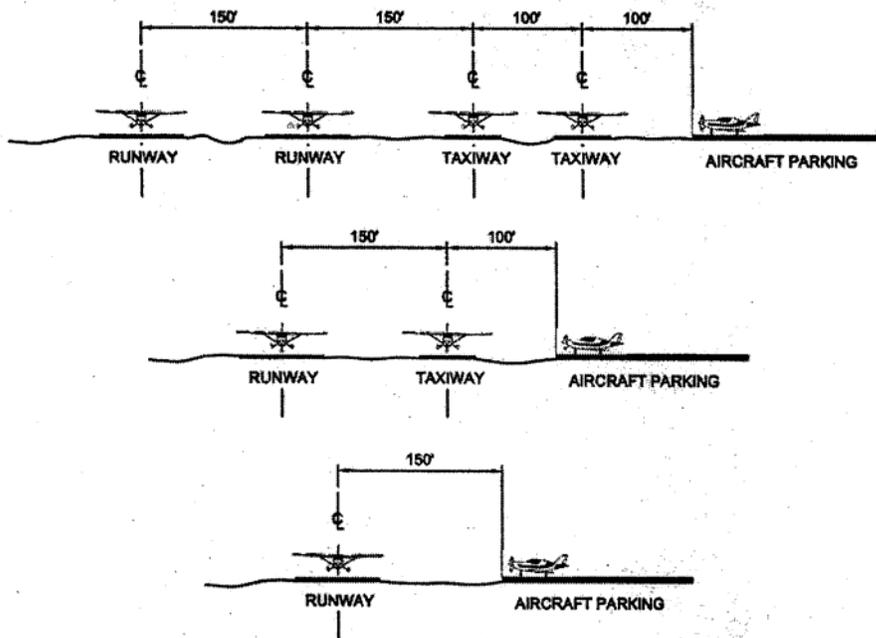
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

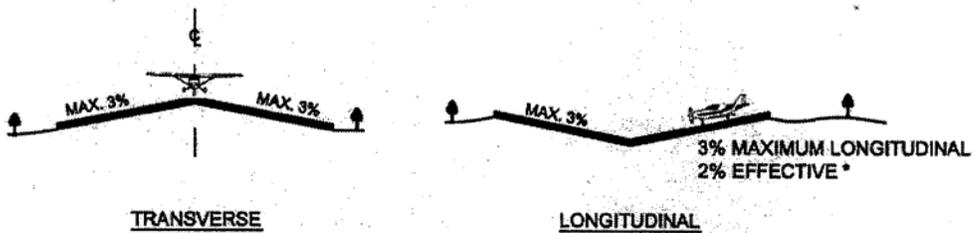
Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION B Airports (Public- or Private-Use) Minimum Separation & Gradient Standards

PROFILE VIEW - MINIMUM STANDARDS FOR SEPARATION



RUNWAY GRADIENT



• EFFECTIVE RUNWAY GRADIENT = $\frac{\text{MAXIMUM DIFFERENCE IN RUNWAY END ELEVATIONS}}{\text{RUNWAY LENGTH}}$

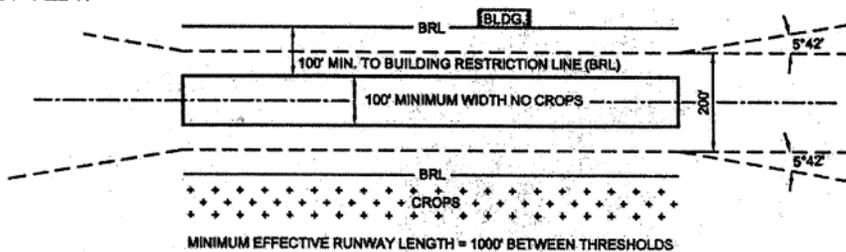
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

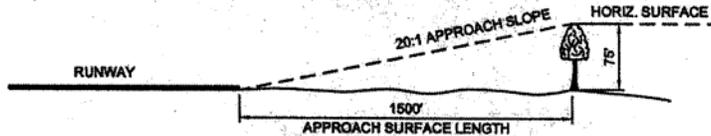
Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION C Ultralight/STOL Airports (Public- or Private-Use)
Minimum Dimensional Standards

PLAN VIEW

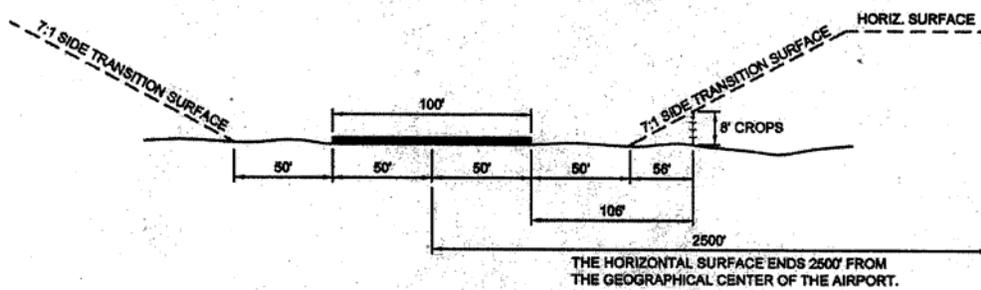


PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



NOTE: THE MINIMUM EFFECTIVE LENGTH OF A RUNWAY IS THE AMOUNT OF LANDING LENGTH REMAINING AFTER ANY DISPLACEMENT ON THAT PARTICULAR RUNWAY END.

RUNWAY CROSS SECTION VIEW - OBSTRUCTION CLEARANCE



- NOTES:
1. NO PENETRATIONS TO 7:1 SIDE TRANSITION SURFACES.
 2. NO PENETRATIONS TO 20:1 RUNWAY APPROACHES.
 3. NO CROPS WITHIN 100' EITHER SIDE OF RUNWAY CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATE HIGHWAYS.
 - 23' CLEARANCE OVER ALL RAILROADS.

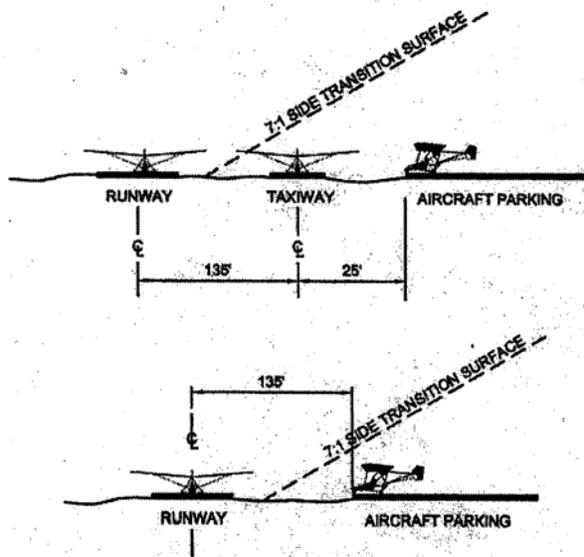
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

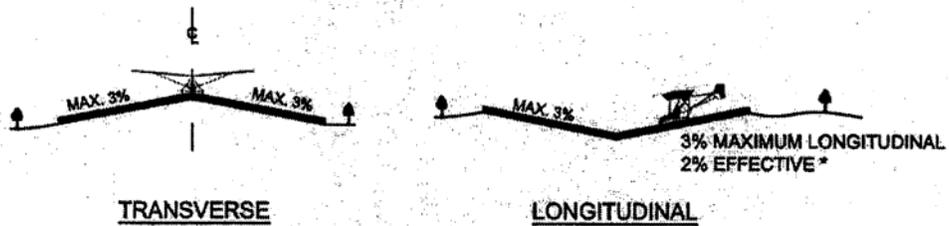
Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION D Ultralight/STOL Airports (Public- or Private-Use) Minimum Separation & Gradient Standards

PROFILE VIEW - MINIMUM STANDARDS FOR SEPARATION



RUNWAY GRADIENT



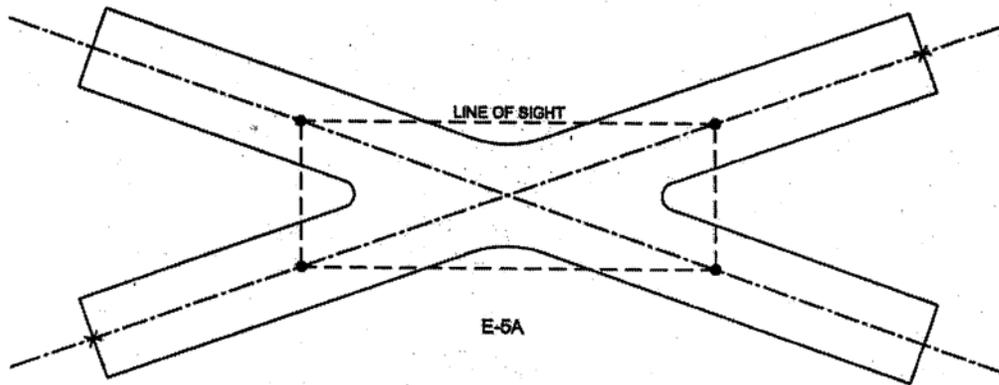
* EFFECTIVE RUNWAY GRADIENT = $\frac{\text{MAXIMUM DIFFERENCE IN RUNWAY END ELEVATIONS}}{\text{RUNWAY LENGTH}}$

DEPARTMENT OF TRANSPORTATION

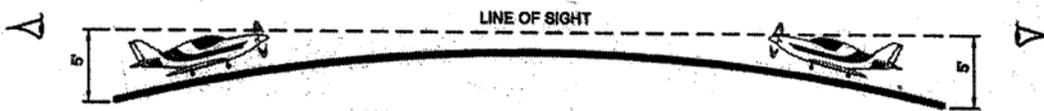
NOTICE OF ADOPTED RULES

Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION E Airports (Public- or Private-Use) Line of Sight



NOTE: LINE OF SIGHT MUST BE MAINTAINED BETWEEN THE MIDPOINTS OF THE COMMON RUNWAY INTERSECTIONS AND THE RUNWAY THRESHOLDS.



LONGITUDINAL LINE OF SIGHT BETWEEN ENDS OF SAME RUNWAY.

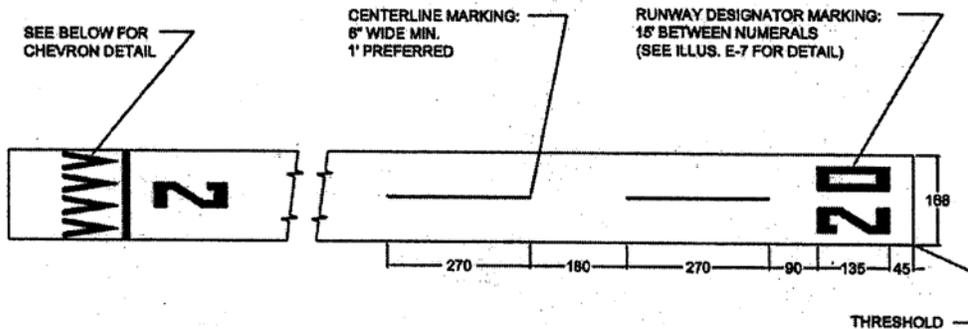
E-5B

DEPARTMENT OF TRANSPORTATION

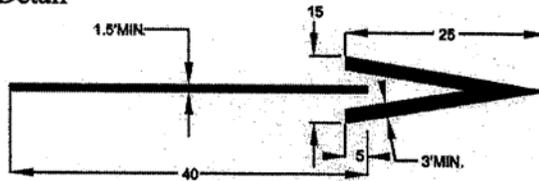
NOTICE OF ADOPTED RULES

Section 14.APPENDIX A Airport Standards

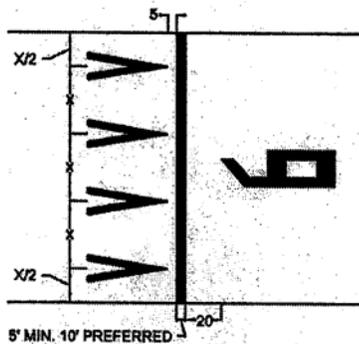
Section 14.ILLUSTRATION F Airports (Public- or Private-Use) Visual Runway Markings



Chevron and Arrow Detail



Displaced Threshold Example



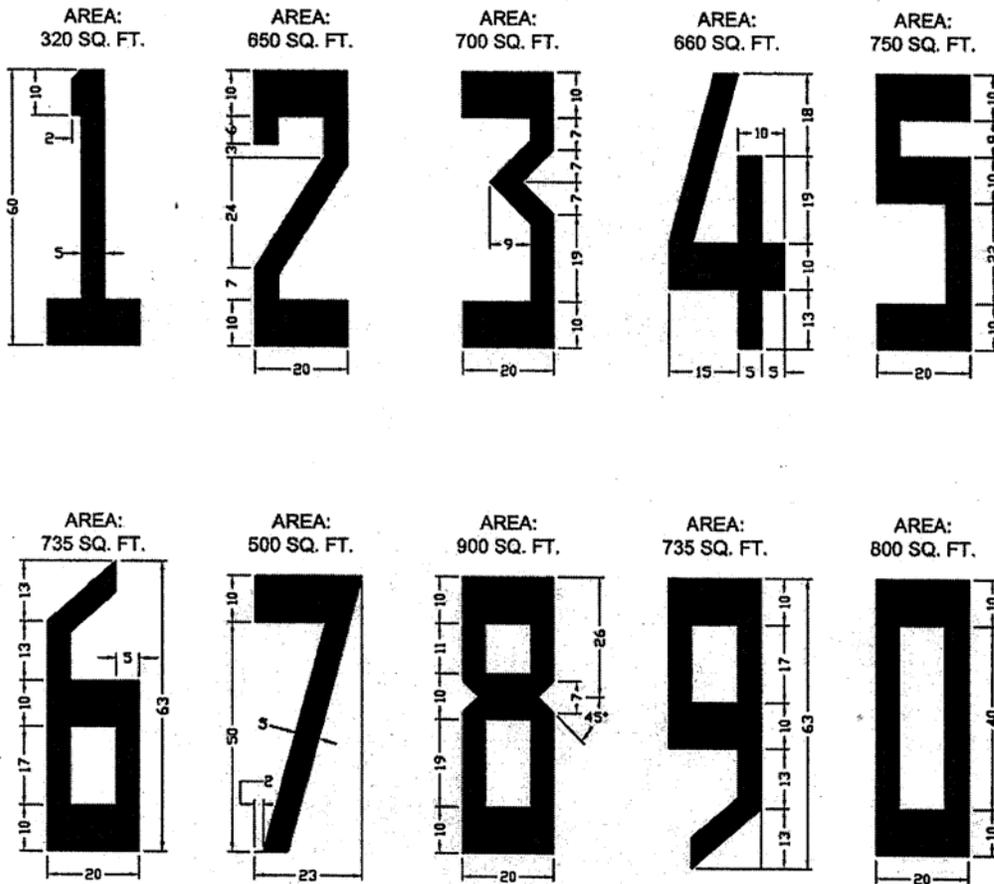
FOUR CHEVRONS PLACED SYMMETRICALLY ABOUT THE RUNWAY CENTERLINE WITH UNIFORM LATERAL SPACING AS INDICATED.
 "X" = (RUNWAY WIDTH) ÷ 4

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION G Airports (Public- or Private-Use) Numerals Detail



NOTE:
NORMAL SPACING BETWEEN NUMERALS = 15'

FOR RUNWAYS LESS THAN 75' WIDE:
TAKE DIMENSIONS AND MULTIPLY BY .75
ALLOW AT LEAST 10 FEET BETWEEN NUMERALS IF POSSIBLE

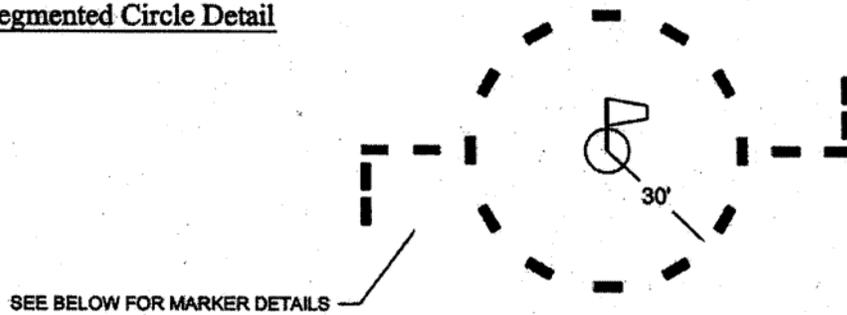
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

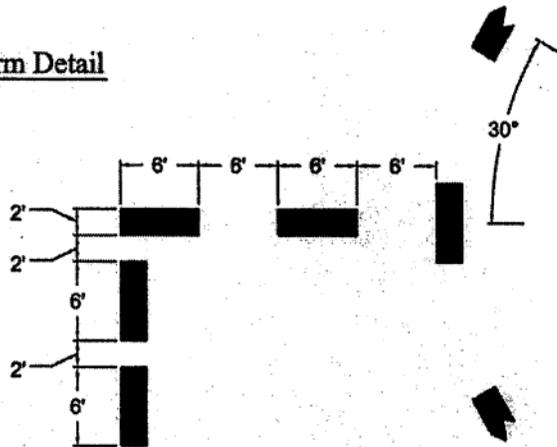
Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION H Airports and Non-Standard Traffic Patterns (Public- or Private-Use) Segmented Circle Detail

Segmented Circle Detail



Marker and Traffic Arm Detail



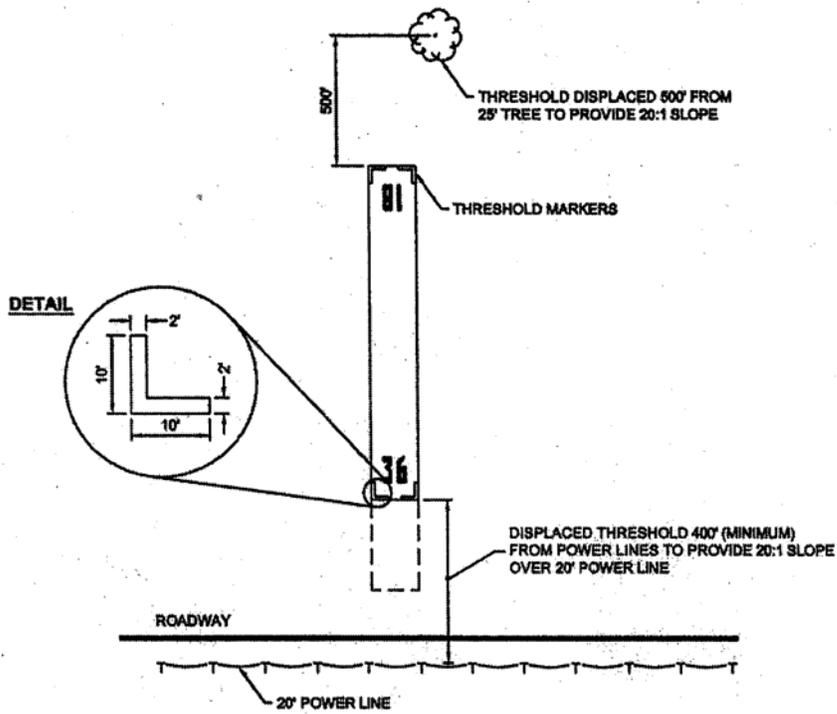
MARKERS CAN BE WHITE, PAINTED CONCRETE, CONCRETE BLOCKS, TIRES, WHITE ROCK, ETC.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION I Airports (Public- or Private-Use) Displaced Threshold Markings



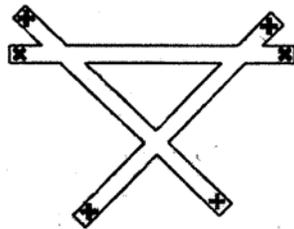
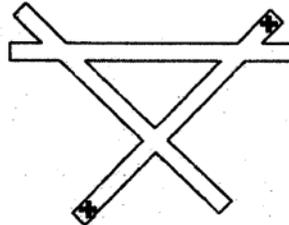
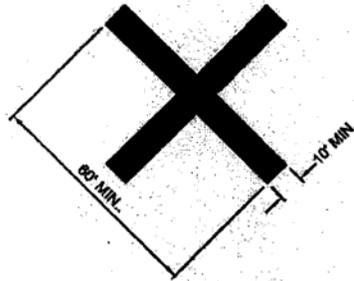
NOTE: MEASURE THE LEGS 10' LONG BY 2' WIDE. CUT A TRENCH 4" TO 6" DEEP. PUT SHEET PLASTIC IN THE BOTTOM AND FILL WITH CRUSHED WHITE ROCK OR OTHER DISTINGUISHABLE MATERIAL.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION J Airports (Public- or Private-Use) Closed Airport and Closed Runway Marker

ENTIRE AIRPORT CLOSEDONE RUNWAY CLOSEDDETAIL OF CLOSED AIRPORT AND RUNWAY MARKERGENERAL NOTES

1. THE MARKER SHOULD BE CONSTRUCTED OF DURABLE WATERPROOF MATERIAL AND IT SHOULD BE NO SMALLER THAN SHOWN IN THE DETAIL. IN AREAS WHERE SNOW IS EXPECTED THE MARKER SHOULD BE CONSTRUCTED SO THAT IT WILL SHED SNOW.
2. COLOR OF MARKER MATERIAL (NATURAL OR APPLIED) SHOULD PROVIDE MAXIMUM CONTRAST WITH BACKGROUND AREAS. (YELLOW OR WHITE RECOMMENDED)
3. THE MARKER SHOULD BE INSTALLED AT A SUITABLE HEIGHT ABOVE THE GROUND TO PREVENT IT FROM BECOMING OBSCURED BY VEGETATION, WATER, OR EARTH.
4. WHERE A PAVED RUNWAY IS CLOSED, THE MARKER MAY BE PAINTED ON THE RUNWAY PROVIDED IT WILL NOT BECOME OBSCURED AS NOTED ABOVE.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX B Airport Facility Requirements and Restrictions on Use**Section 14.TABLE A Facility Requirements**

Item	Airports Public-Use	Airports Private-Use	Ultralight/STOL Airports Public-Use	Ultralight/STOL Airports Private-Use
24-Hour Phone	Required	Recommended	Required	Not Required
Access Control a) Spectator b) Vehicular c) Perimeter	Required Required Not Required (Encouraged)	Recommended Recommended Recommended	Required Required Not Required (Encouraged)	Recommended Recommended Recommended
Segmented Circle Marker where a non- standard traffic pattern is used. ¹	Required	Required	Required	Required
Fire Protection	Required - one 20# extinguisher, two where fueling is present.	Recommended	Required	Recommended
First-Aid Kit	Required	Recommended	Required	Recommended
Fuel Sales	Required during normal business hours. Available by phone after business hours.	Not Required	Recommended during normal business hours.	Not Required
Hangar/Office Access	Required during normal business hours.	Not Required	Recommended during normal business hours.	Not Required
Potable Water	Required	Recommended	Required	Recommended
Runway Lights	Required for night use.	Required for night use.	Required for night use.	Required for night use.
Sanitary Restroom	Required during normal business hours. Available by phone after business hours.	Recommended	Required during normal business hours. Available by phone after business hours.	Recommended

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

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NOTICE OF ADOPTED RULES

Item	Airports Public-Use	Airports Private-Use	Ultralight/STOL Airports Public-Use	Ultralight/STOL Airports Private-Use
Tie-Down Facilities	Required	Recommended	Required	Recommended
Wind Direction/ Velocity Indicator (must be lighted for night use). ²	Required	Required	Required	Required

¹ Not required where 24-hour tower is in operation.

² Lighting required if runway lights are available.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX B Airport Facility Requirements and Restrictions on Use**Section 14.TABLE B Restrictions on Use**

Use	Airports Public-Use	Airports Private-Use	Ultralight/STOL Airports Public-Use	Ultralight/STOL Airports Private-Use
Aircraft Rental	Allowed	Allowed	Allowed	Allowed
Based Agricultural Operations	Allowed	Allowed	Allowed	Allowed
# of Based Aircraft	No restrictions	No restrictions	No restrictions on Ultralight trainers, registered Special Purpose or aircraft certificated for STOL operations.	No restrictions on Ultralight trainers, registered Special Purpose or aircraft certificated for STOL operations.
Carrying of Passengers for Hire	Allowed	Allowed	Allowed	Allowed
Commercial Maintenance	Allowed	Allowed	Allowed	Allowed
Commercial Parachute Operations	Allowed	Allowed	Take-offs Prohibited.	Take-offs Prohibited.
Flight Instruction	Unrestricted	Unrestricted	Unrestricted	Unrestricted
Fly-In Events	Allowed	Allowed	Allowed	Allowed
Through-the- Fence Operations	Allowed - license approval required by the Division.	Allowed - location and number of access points to be approved by the Division.	Allowed - location and number of access points to be approved by the Division.	Allowed - location and number of access points to be approved by the Division.
Application of De-icing Agents	Only non- corrosive de- icing agents allowed.	Only non- corrosive de- icing agents allowed.	Only non- corrosive de- icing agents allowed.	Only non- corrosive de- icing agents allowed.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

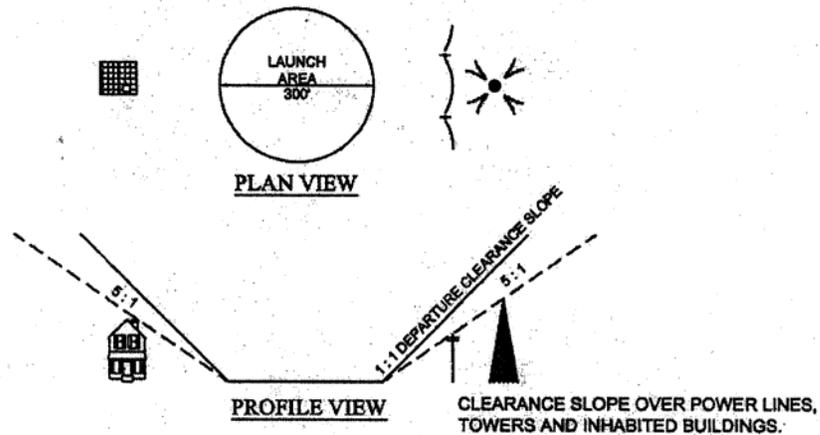
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

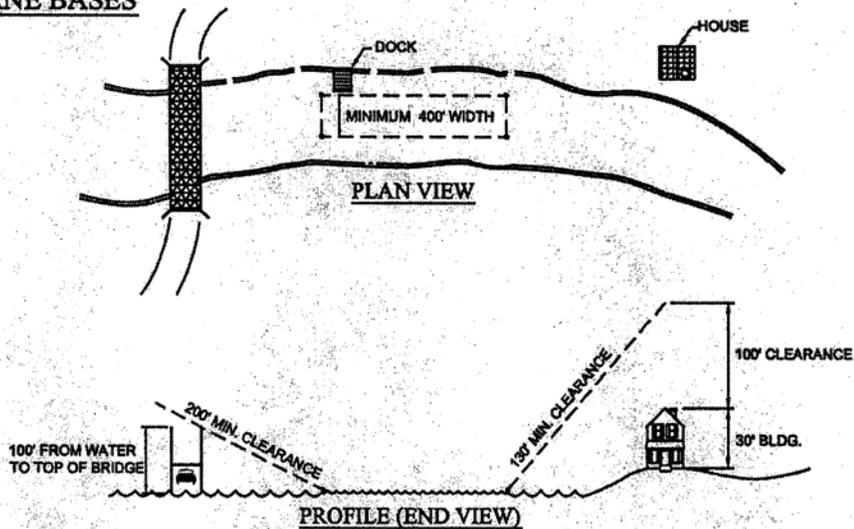
Section 14.APPENDIX C Airports for Non-Conventional Aircraft Standards

Section 14.ILLUSTRATION A Airports for Non-Conventional Aircraft Minimum Dimensional Standards

BALLOON PORTS



SEAPLANE BASES



DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX D Airports for Non-Conventional Aircraft Restrictions on Use**Section 14.TABLE A Restrictions on Use**

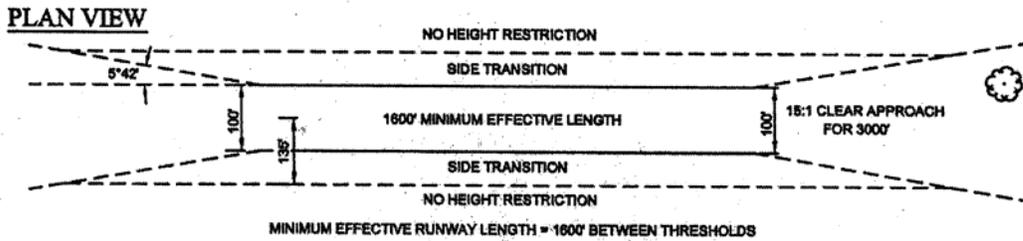
Use	Airports for Non-Conventional Aircraft Public-Use	Airports for Non-Conventional Aircraft Private-Use
Aircraft Rental	Rental aircraft must be designated as Special Purpose or exempted aircraft.	Rental aircraft must be designated as Special Purpose or exempted aircraft.
Based Agricultural Operations	Allowed	Allowed
Based Aircraft	No restrictions on number. Must be designated as Special Purpose or exempted aircraft.	No restrictions on number. Must be designated as Special Purpose or exempted aircraft.
Carrying of Passengers for Hire	Allowed	Allowed
Commercial Maintenance	Allowed	Allowed
Commercial Parachute Operations	Allowed	Allowed
Flight Instruction	Restricted to aircraft designated in Illinois as Special Purpose unless exempted.	Restricted to aircraft designated in Illinois as Special Purpose unless exempted.
Fly-In Events	Aircraft must be designated as Special Purpose or exempted aircraft.	By personal invitation only. (Prior approval and permit required from the Division.) Restricted to Special Purpose or exempted aircraft.
Application of De-icing Agents	Only non-corrosive de-icing agents allowed.	Only non-corrosive de-icing agents allowed.

DEPARTMENT OF TRANSPORTATION

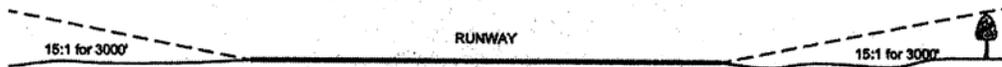
NOTICE OF ADOPTED RULES

Section 14.APPENDIX E Restricted Landing Areas Standards

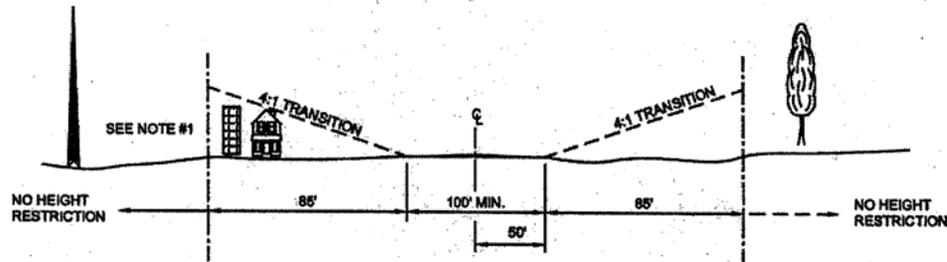
Section 14.ILLUSTRATION A Restricted Landing Areas Minimum Dimensional Standards



PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



RUNWAY CROSS SECTION - OBSTRUCTION CLEARANCE



- NOTES:**
1. NO PENETRATIONS TO 4:1 SIDE TRANSITION SURFACES FOR 135' FROM CENTERLINE
 2. NO PENETRATIONS TO 15:1 RUNWAY APPROACHES.
 3. NO CROPS 50' EACH SIDE OF CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES:
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATES.
 - 23' CLEARANCE OVER ALL RAILROADS.

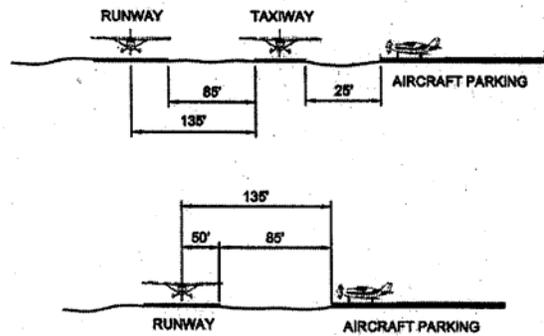
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

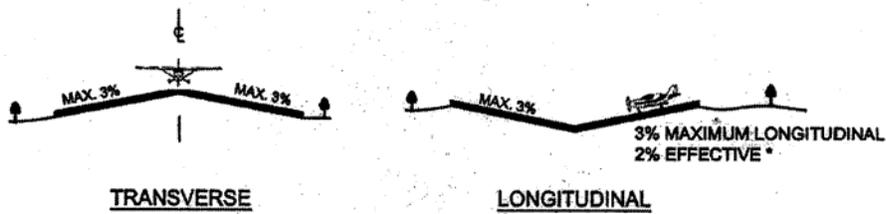
Section 14.APPENDIX E Restricted Landing Areas Standards

Section 14.ILLUSTRATION B Restricted Landing Areas Minimum Separation & Gradient Standards

PROFILE VIEW - MINIMUM STANDARDS FOR SEPARATION



RUNWAY GRADIENT



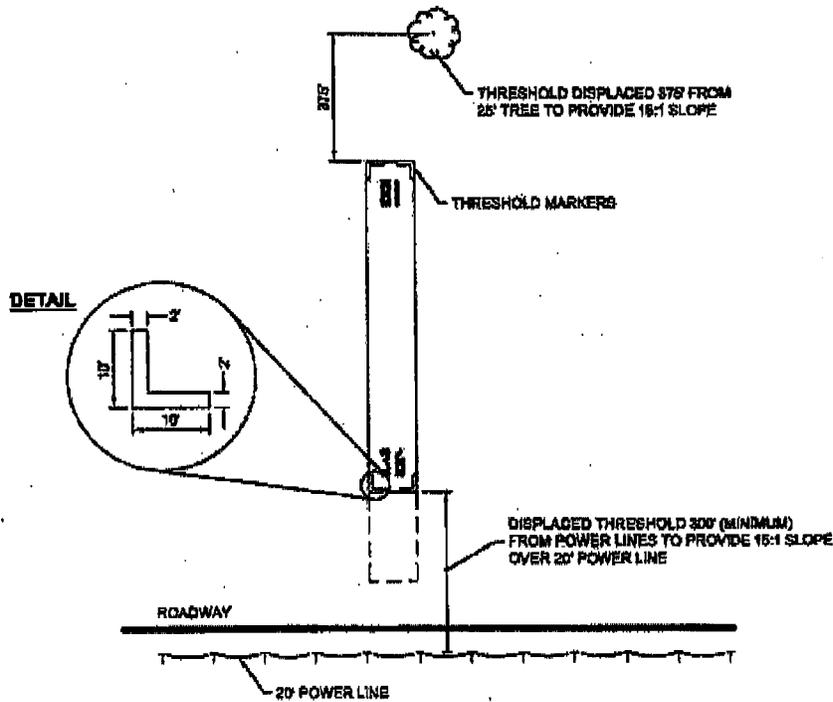
* EFFECTIVE RUNWAY GRADIENT = $\frac{\text{MAXIMUM DIFFERENCE IN RUNWAY END ELEVATIONS}}{\text{RUNWAY LENGTH}}$

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX E Restricted Landing Areas Standards

Section 14.ILLUSTRATION C Restricted Landing Areas Displaced Threshold Markings



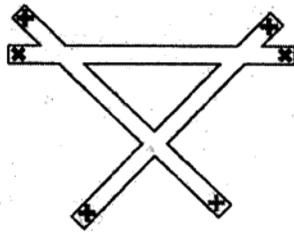
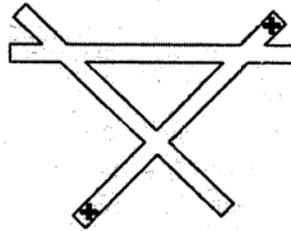
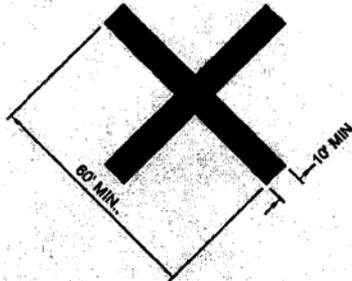
NOTE: MEASURE THE LEGS 10' LONG BY 2' WIDE. CUT A TRENCH 4" TO 5" DEEP. PUT SHEET PLASTIC IN THE BOTTOM AND FILL WITH CRUSHED WHITE ROCK OR OTHER DISTINGUISHABLE MATERIAL.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX E Restricted Landing Areas Standards

Section 14.ILLUSTRATION D Restricted Landing Areas Closed RLA & Closed Runway Marker

ENTIRE RLA CLOSEDONE RUNWAY CLOSEDDETAIL OF CLOSED RLA AND RUNWAY MARKERGENERAL NOTES

1. THE MARKER SHOULD BE CONSTRUCTED OF DURABLE WATERPROOF MATERIAL AND IT SHOULD BE NO SMALLER THAN SHOWN IN THE DETAIL. IN AREAS WHERE SNOW IS EXPECTED THE MARKER SHOULD BE CONSTRUCTED SO THAT IT WILL SHED SNOW.
2. COLOR OF MARKER MATERIAL (NATURAL OR APPLIED) SHOULD PROVIDE MAXIMUM CONTRAST WITH BACKGROUND AREAS. (YELLOW OR WHITE RECOMMENDED)
3. THE MARKER SHOULD BE INSTALLED AT A SUITABLE HEIGHT ABOVE THE GROUND TO PREVENT IT FROM BECOMING OBSCURED BY VEGETATION, WATER, OR EARTH.
4. WHERE A PAVED RUNWAY IS CLOSED, THE MARKER MAY BE PAINTED ON THE RUNWAY PROVIDED IT WILL NOT BECOME OBSCURED AS NOTED ABOVE.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX F Restricted Landing Areas Restrictions on Use**Section 14.TABLE A Restrictions on Use**

Use	Restricted Landing Area	Ultralight/STOL Restricted Landing Area
Aircraft Rental	Prohibited	Prohibited
Based Agricultural Operations	Allowed	Allowed
Based Aircraft	Maximum of six based aircraft.	No Restrictions
Carrying of Passengers for Hire	Prohibited*	Prohibited*
Commercial Maintenance	Prohibited	Prohibited
Commercial Parachute Operations	Prohibited	Prohibited
Flight Instruction	a) Restricted to immediate family of Certificate Holder (excluding certificates held by corporation). Non-continuous. b) Specialized dual instruction originating from a bona fide flight training operation based at an airport.	Prohibited
Fly-In Events (More than six Aircraft)	By personal invitation only. (Prior approval and permit required from the Division.)	By personal invitation only. (Prior approval and permit required from the Division.)
Through-the-Fence Operations	Allowed - location and number of access points to be approved by the Division (maximum of six aircraft).	Prohibited
Application of De-icing Agents	Only non-corrosive de-icing agents allowed.	Only non-corrosive de-icing agents allowed.

*Except for EMS operations.

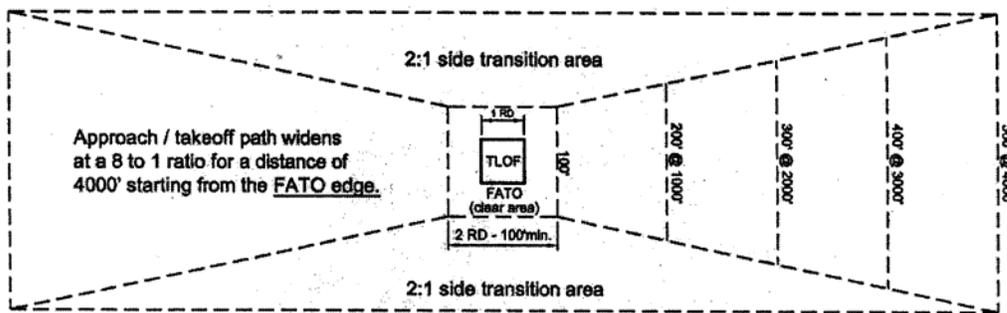
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX G Heliport/Vertiport Standards

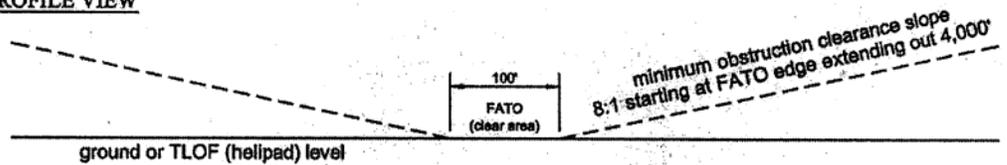
Section 14.ILLUSTRATION A Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW



DEPARTMENT OF TRANSPORTATION

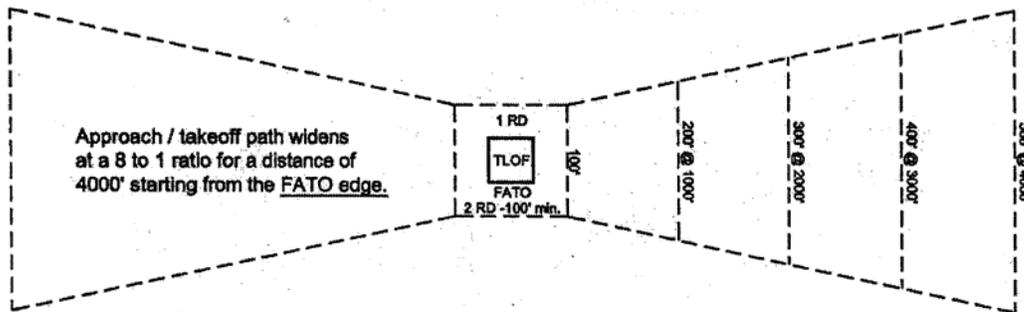
NOTICE OF ADOPTED RULES

Section 14.APPENDIX G Heliport/Vertiport Standards

Section 14.ILLUSTRATION B Restricted Landing Area Heliport Minimum Dimensional Standards

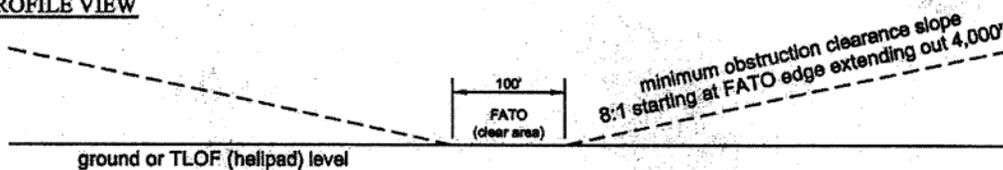
WITH APPROACH / TAKEOFF PATHS 180° APART RECOMMENDED
(MINIMUM OF 90° REQUIRED)

PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW



NOTE: The second approach / takeoff path may have a 5:1 slope if needed.

DEPARTMENT OF TRANSPORTATION

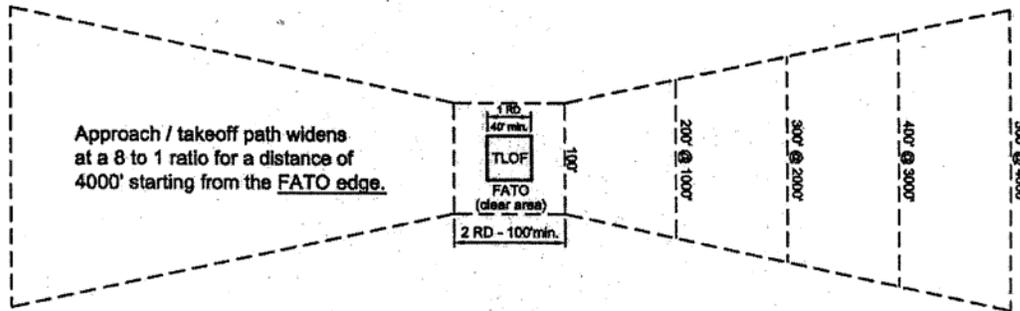
NOTICE OF ADOPTED RULES

Section 14.APPENDIX G Heliport/Vertiport Standards

Section 14.ILLUSTRATION C Hospital Heliport Minimum Dimensional Standards

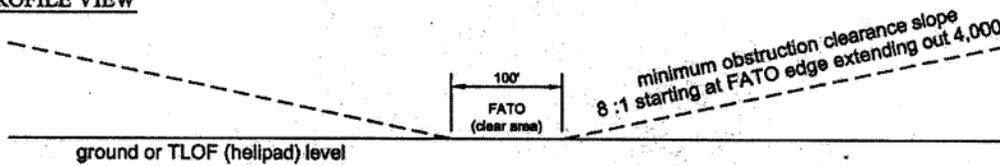
WITH APPROACH / TAKEOFF PATHS 180° APART RECOMMENDED
(MINIMUM OF 90° REQUIRED)

PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW



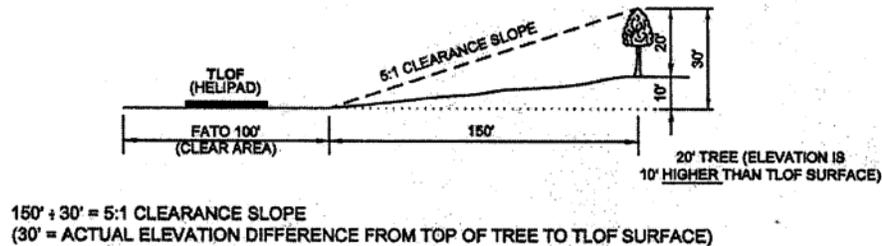
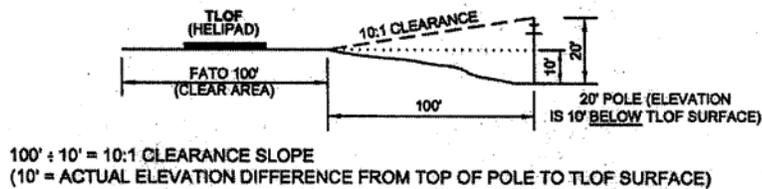
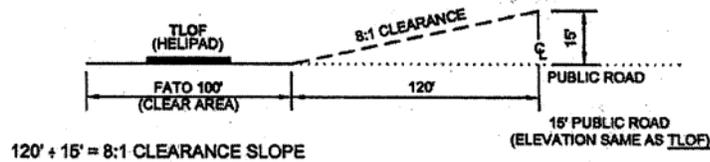
NOTE: The second approach / takeoff path may have a 5:1 slope if needed.

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Section 14.APPENDIX G Heliport/Vertiport Standards

Section 14.ILLUSTRATION D Heliports Sample Obstruction Clearance Slope Calculations



NOTE : 1. OBSTACLE CLEARANCE SLOPE IS CALCULATED ON DISTANCE OF OBSTACLE FROM THE FATO EDGE.

2. CLEARANCES REQUIRED FOR APPROACHES:

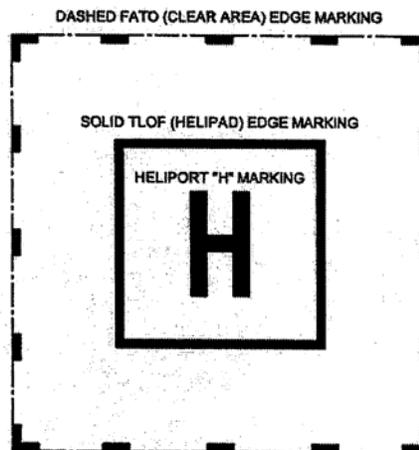
- 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
- 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
- 17' CLEARANCE OVER ALL INTERSTATES.
- 23' CLEARANCE OVER ALL RAILROADS.

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Section 14.APPENDIX G Heliport/Vertiport Standards**Section 14.ILLUSTRATION E Public or Private Heliport (Non-Hospital) Typical Heliport Marking**

NOTE: A HELIPORT WITHOUT A PAVED TLOF (HELIPAD) SHOULD HAVE THE FATO (CLEAR AREA) EDGES MARKED WITH FLUSH WHITE OR CONTRASTING COLOR IN-GROUND MARKERS AT EACH CORNER. THE FATO SHOULD BE MARKED WITH A WHITE OR CONTRASTING COLOR IN-GROUND "H" CENTERED IN THE FATO ALIGNED WITH THE PREFERRED APPROACH PATH TO THE HELIPORT. THE FATO EDGE MARKERS SHOULD BE NO LESS THAN 12" WIDE AND 5' IN LENGTH. THE "H" SHOULD BE NO LESS THAN 10' HIGH AND 5' WIDE.



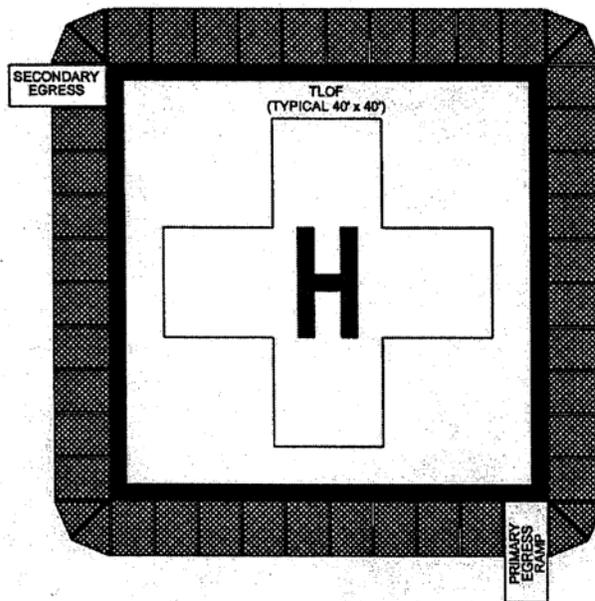
NOTE: A HELIPORT WITH A PAVED TLOF (HELIPAD) SHOULD HAVE A MINIMUM 10' "H" CENTERED ON THE PAD. IT IS SUGGESTED TO HAVE A WHITE OR CONTRASTING COLOR BORDER AROUND THE TLOF EDGE.

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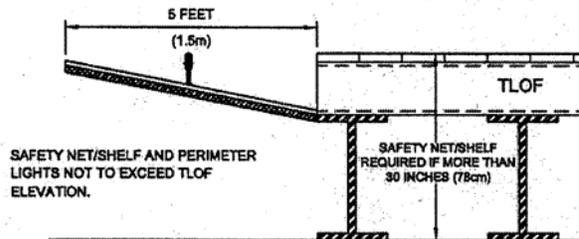
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Section 14.APPENDIX G Heliport/Vertiport Standards

Section 14.ILLUSTRATION F Rooftop or Elevated Hospital Heliport Typical Heliport Marking



SIDE PROFILE VIEW



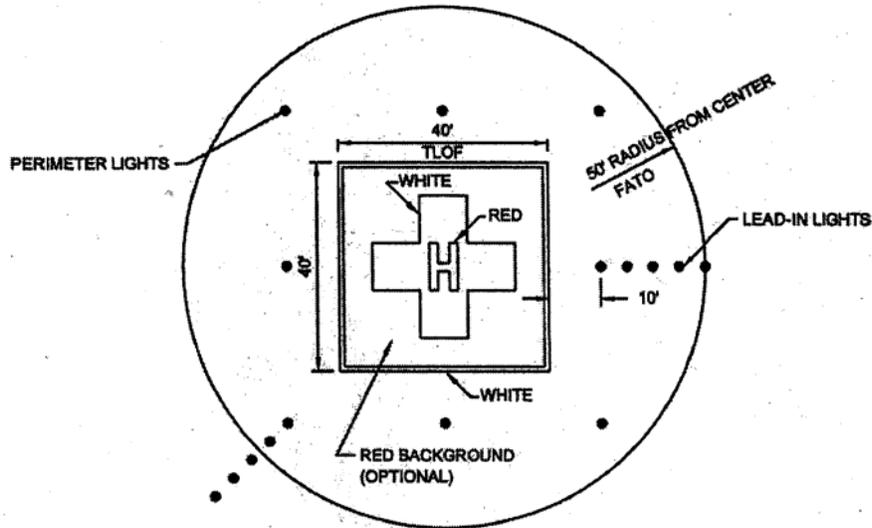
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 14.APPENDIX G Heliport/Vertiport Standards

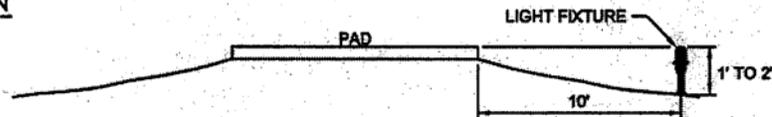
Section 14.ILLUSTRATION G Surface Hospital Heliport Typical Heliport Marking

PLAN VIEW



- NOTES:
1. 50' RADIUS FROM PAD CENTER TO BE CLEAR OF ALL OBJECTS HIGHER THAN TLOF ELEVATION.
 2. LEAD-IN LIGHTS SPACED APPROXIMATELY 5' APART BELOW TLOF LEVEL.
 3. HOSPITAL MARKING SCHEME:
 WHITE PERIMETER STRIPE - 12"
 RED BACKGROUND
 WHITE CROSS - 30' x 30'
 RED H - 10'

TLOF CROSS-SECTION



- NOTES:
1. TYPICAL SURFACE PAD 40' x 40' x 6" REINFORCED CONCRETE. EIGHT YELLOW PERIMETER LIGHTS, APPROACH LEAD-IN LIGHTS (RECOMMENDED).
 2. RECOMMEND BERMING PAD UP ONE TO TWO FEET. LIGHTS APPROXIMATELY 10' FROM PAD EDGE OFF SHOULDER NO HIGHER THAN PAD ELEVATION.

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Section 14.APPENDIX H Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use**Section 14.TABLE A Heliport Standards**

Standard	Heliport/ Helistop Vertiport/ Vertistop Public-Use	Heliport/ Helistop Vertiport/ Vertistop Private-Use	Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area	Heliport/ Helistop Vertiport/ Vertistop Hospital
Minimum TLOF (Helipad) Size*	1 Rotor Diameter	1 Rotor Diameter	1 Rotor Diameter (Recommended)	1 Rotor Diameter (40' Minimum)
Minimum FATO (Clear Area) Size	2 x Rotor Diameter (100' Minimum)	2 x Rotor Diameter (100' Minimum)	2 x Rotor Diameter (100' Minimum)	2 x Rotor Diameter (100' Minimum)
Approach/ Departure Path Requirements	2 – 90° Apart Minimum (with 2:1 side transition) 8:1 Min. Slope	2 – 90° Apart Minimum (with 2:1 side transition) 8:1 Min. Slope	2 – 90° Apart Minimum 1 st Approach - 8:1 Min. Slope 2 nd Approach - may be 5:1 Min. Slope if necessary	2 – 90° Apart Minimum 1 st Approach - 8:1 Min. Slope 2 nd Approach - may be 5:1 Min. Slope if necessary

*NOTE: A 6" REINFORCED CONCRETE TLOF IS RECOMMENDED. If a concrete TLOF is not used, the FATO edges and center must be marked.

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Section 14.APPENDIX H Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use**Section 14.TABLE B Facility Requirements**

Item	Heliport/ Helistop Vertiport/ Vertistop Public-Use	Heliport/ Helistop Vertiport/ Vertistop Private-Use	Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area	Hospital Heliport/ Helistop Vertiport/ Vertistop
24-Hour Phone	Required for heliport only.	Not Required	Not Required	Not Required
Access Control a) Spectator b) Vehicular c) Perimeter	Required Required Required	Recommended Recommended Recommended	Recommended Recommended Recommended	Required Required Required Security and access may be controlled by hospital.
Fire Protection	Required for heliports – one 20# extinguisher (two where fueling is present).	Required for heliports – one 20# extinguisher (two where fueling is present).	Recommended	Required – one 20# extinguisher (two where fueling is present).
First-Aid Kit	Required for heliport only.	Recommended for heliport.	Not Required	Not Required
Fuel & Oil Sales	Required for heliport during normal business hours. Available by phone after business hours.	Not Required	Not Required	Not Required
Hangar/Office	Required for heliport only.	Not Required	Not Required	Not Required

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Identification Beacons	Required for heliports.	Recommended	Not Required	Recommended and required for all Trauma Centers.
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Item	Heliport/ Helistop Vertiport/ Vertistop Public-Use	Heliport/ Helistop Vertiport/ Vertistop Private-Use	Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area	Hospital Heliport/ Helistop Vertiport/ Vertistop
Lead-in Lights and Arrows	Required for heliports.	Recommended	Not Required	Recommended
Marked FATO and/or TLOF Identifiable from 500' AGL	Required	Required	Required	Required
Paved TLOF	Recommended	Recommended	Not Required	Recommended
Perimeter/Flood Lighting	Required for night use.	Required for night use.	Recommended for night use.	Required for night use.
Potable Water	Required for heliport during normal business hours. Available by phone after business hours.	Not Required	Not Required	Not Required
Horizontal Safety Fence for Heliports Elevated 30" or Higher	Required	Required	Required	Required
Sanitary Restroom	Required for heliport during normal business hours. Available by phone after business hours.	Not Required	Not Required	Not Required
Wind Direction / Velocity Indicator (must be lighted for night use)	Required	Required	Required	Required

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Section 14.APPENDIX H Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use**Section 14.TABLE C Restrictions on Use**

Use	Heliport/ Helistop Vertiport / Vertistop Public-Use	Heliport/ Helistop Vertiport / Vertistop Private-Use	Heliport/ Helistop Vertiport / Vertistop Restricted Landing Area	Hospital Heliport/ Helistop Vertiport / Vertistop
Based Aircraft	No Restrictions	No Restrictions	Maximum of Six Based Helicopters.	Maximum of Six Based Helicopters.
Carrying of Passengers for Hire	Allowed	Allowed	Prohibited as Based Operation	EMS only
Commercial Maintenance	Allowed for heliports only	Allowed for heliports only	Prohibited	Prohibited
Flight Instruction	Unrestricted	Unrestricted	a) Restricted to immediate family of Certificate Holder (excluding cert. held by corp.). Non-continuous. b) Specialized dual instruction originating from a bonafide flight training operation based at a heliport.	Prohibited
Through-the-Fence Operations	Allowed	Not Applicable	Not Applicable	Not Applicable
Agricultural Operations	Allowed	Allowed	Allowed	Not Applicable

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Application of De-icing Agents	Only non-corrosive de-icing agents allowed.			
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- 1) Heading of the Part: Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 16
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
16.10	New Section
16.20	New Section
16.30	New Section
16.35	New Section
16.40	New Section
16.50	New Section
16.60	New Section
16.70	New Section
16.80	New Section
16.90	New Section
16.100	New Section
16.110	New Section
16.120	New Section
16.130	New Section
16.140	New Section
16.150	New Section
16.160	New Section
16.170	New Section
16.180	New Section
16.190	New Section
16.200	New Section
16.210	New Section
16.220	New Section
APPENDIX A	New Section
ILLUSTRATION A	New Section
ILLUSTRATION B	New Section
ILLUSTRATION C	New Section
ILLUSTRATION D	New Section
ILLUSTRATION E	New Section
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Rulemaking: January 26, 2004

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- 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: September 12, 2003; 27 Ill. Reg. 14577
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

The following changes were made in agreement with JCAR.

At Section 16.140(a), the Department changed the last sentence to read as follows:
"Nothing in this Part shall require any changes in construction, alteration, or intended use of any structure, the construction or alteration of which is being diligently carried out and was begun prior to the applicability of this Part to that specific airport."

Various grammatical and technical changes were made throughout the Part at JCAR's request.

- 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Current Division of Aeronautics airport hazard zoning rules (AHZ rules) restrict the height of structures, equipment and vegetation and regulate the use of property in the vicinity of certain publicly-owned airports. Airport hazards endanger the welfare of users of publicly-owned airports and threaten persons and/or property in the vicinity of such airports. Airport hazards may destroy or impair the utilization of publicly-owned airports, and the public investment therein, by reducing the size of the area available for the landing, takeoff and maneuvering of aircraft.

AHZ rules have been adopted in the past specifically for individual airports. A separate zoning map is required under current rules depicting the described surfaces pictorially.

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The Department's intent with this new rulemaking is to transition to one rule that includes all airports requesting zoning from the Division. Current AHZ rules covering individual airports will eventually be repealed and those airports will be covered by this Part. Separate zoning maps will no longer be required under this new Part. Instead, an airspace drawing sheet of the currently-approved FAA Airport Layout Plan will serve this pictorial function.

The significant revision to the AHZ rules is the addition of provisions that will protect approaches for helicopters. Additionally, since Springfield's Capital Airport (SPI) has requested hazard zoning, the Division is using SPI as the first airport covered under the new Part.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive, Capital Airport
Springfield, Illinois 62707-8415
(217)524-1580

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

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NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 16
AIRPORT HAZARD ZONING

Section

16.10	Purpose and Scope
16.20	Applicability
16.30	Definitions
16.35	Public Hearings
16.40	Surfaces and Height Limitations
16.50	Horizontal Surface
16.60	Conical Surface
16.70	Primary Surface
16.80	Approach Surface
16.90	Transitional Surfaces
16.100	Circling Approach Surface
16.110	Instrument Approach Obstruction Clearance Surface
16.120	Heliport/Vertiport Surfaces
16.130	Use Restrictions
16.140	Pre-Existing, Non-Conforming Uses (Grandfather Clause)
16.150	Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed
16.160	Notice of Construction or Alteration of Any Structure
16.170	Permits
16.180	Variances
16.190	Administrative and Judicial Review
16.200	Penalties
16.210	Conflicting Regulations
16.220	Severability
16.APPENDIX A	Applicable Airports
16.ILLUSTRATION A	Airport Imaginary Surfaces
16.ILLUSTRATION B	Airports (Public- or Private-Use) Minimum Dimensional Standards
16.ILLUSTRATION C	Obstruction Standards (\leq 6 Nautical Miles)
16.ILLUSTRATION D	Obstruction Standards ($>$ 6 Nautical Miles)
16.ILLUSTRATION E	Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

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AUTHORITY: Implementing and authorized by the Airport Zoning Act [620 ILCS 25].

SOURCE: Adopted at 28 Ill. Reg. 2421, effective January 26, 2004.

Section 16.10 Purpose and Scope

- a) The purpose of this Part is to administer and enforce requirements that restrict the height of structures, equipment, and vegetation, and to regulate the use of property, on or in the vicinity of any publicly-owned airport (see Section 16.Appendix A of this Part for a listing of applicable airports) whose owner or operator requests enforcement of airport hazard zoning by the Illinois Department of Transportation (the Department), Division of Aeronautics (the Division) for any airport hazard area. Airport hazards endanger the lives and property of users of publicly-owned airports, and of the occupants of land in an airport's vicinity, and may also destroy or impair the utilization of a publicly-owned airport and the public investment by reducing the size of the area available for the landing, takeoff and maneuvering of aircraft. (See Sections 11 and 17 of the Airport Zoning Act (the Act) [620 ILCS 25/11 and 17].)
- b) The Division is authorized to and will impose penalties in the interest of the public health, safety and welfare, as described in Section 16.200, for any violation of this Part. (See Section 34 of the Act.)
- c) This Part is to be construed as a continuance of existing Division airport hazard zoning regulations.
- d) Accordingly, it is declared that:
 - 1) *the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the publicly-used airport.* (Section 11 of the Act)
 - 2) *in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards shall be prevented.* (Section 11 of the Act)
 - 3) *the prevention of these hazards should be accomplished to the greatest extent legally possible by exercise of the police power without compensation.* (Section 11 of the Act)

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- 4) the prevention of airport hazards and *the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the State and its political subdivisions may raise and expend public funds and acquire land or property interests therein.* (Section 11 of the Act)

Section 16.20 Applicability

- a) This Part applies to the airport facilities and surrounding areas that are identified and described in Section 16.Appendix A. For those airports listed in Section 16.Appendix A, any growth, construction, or maintenance of any vegetation or structure to a height 50 feet above natural ground level will be required to meet the standards of this Part.
- b) Airports that are obligated by federal grant conditions may be required to meet stricter standards than airports that only meet Departmental standards (as defined in Section 16.30).

Section 16.30 Definitions

As used in this Part, the words and terms below shall have the meanings given unless the context clearly shows that another interpretation is intended:

"Act" means the Airport Zoning Act [620 ILCS 25].

"Airport" means any area of land or water, or both, designed and set aside for the landing and takeoff of aircraft and utilized or to be utilized in the interest of the public for such purposes. An airport is "public-owned" if the portion thereof used for the landing and taking-off of aircraft is owned, operated, controlled, leased to or leased by the United States, any agency or department thereof, this State, or any other state, or any municipality or other political subdivision of this State or any other state, or any other governmental body, public agency or other public corporation. (Section 2 of the Act)

"Airport Elevation" means the established elevation of the highest point on the usable landing area of the airport being addressed. The airport elevation of each applicable airport expressed in feet above mean sea level (MSL) as referenced in the National Geodetic Vertical Datum of 1929 (NGVD29) or subsequent datum and is identified and described in Section 16.Appendix A.

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"Airport Hazard" means any structure, vegetation, equipment, or use of land that obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing, takeoff, or maneuvering at or near the airport.

"Airport Layout Plan" or "ALP" means the plan of an airport showing the layout of existing and proposed airport facilities.

"Airport Reference Point" or "ARP" means the point established as the approximate geographic center of the airport being addressed. This point is designated by latitude and longitude coordinates expressed with respect to the North American Datum of 1983 (NAD83), unless otherwise noted.

"Alteration" means any construction that would result in a change in height of any dimensions of an existing structure.

"Construction" means the erection or alteration of any structure either of a permanent or temporary character.

"Departmental Standards" means the Department's rules on Aviation Safety, 92 Ill. Adm. Code 14, that apply to airports that are not bound by federal grant obligations (see Section 16. Illustration B).

"Division" means the Illinois Department of Transportation, Division of Aeronautics.

"FAA" means the United States Department of Transportation, Federal Aviation Administration.

"Federally Obligated Airports" means airports that have accepted federal funds and are bound by federal grant obligations.

"Final Approach and Takeoff" or "FATO" means a defined object-free area over which the final phase of the approach to a hover or a landing is completed and from which the takeoff is initiated.

"Growth" means any object of natural growth, including trees, shrubs and foliage.

"Height" means the overall height of the top of a structure, including any appurtenance installed upon it, for the purpose of determining the height limits in all zones set forth in this Part.

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"Heliport/Vertiport" means a generic reference to the area of land, water, or structure used, or intended to be used, for the landing and takeoff of helicopters/VTOL aircraft, together with associated buildings.

"Imaginary Surface" means a geometric surface used to describe the height limitations set forth in this Part (see Section 16.Illustration A).

"Mean Sea Level" or "MSL" means an altitude expressed in feet measured from sea level as referenced by the NGVD29 or subsequent datum.

"Non-Conforming Use" means any structure, vegetation, or use of land that does not meet the requirements of this Part.

"Non-Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal electronic guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document. (14 CFR 77.2, effective October 1, 2002)

"Permit" means permission granted in writing by the Division to construct or alter any structure.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and including any trustee, receiver, sponsor, assignee, or other similar representative thereof, and including this State and the Department. (Section 7 of the Act)

"Political Subdivision" means any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of the above, situated in whole or in part within any of the surfaces established by this Part.

"Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing both horizontal and vertical guidance or a runway for which a precision approach system is planned, or indicated on an FAA planning document or military service, military airport planning document.

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"Runway" means an area of the airport for the landing and takeoff of aircraft and consisting of either a specially prepared hard surface or turf or an area designated for such use by seaplanes.

"Slope Ratio" means a numerical expression of a stated relationship of height to horizontal distance (e.g., 100 to 1 means one hundred feet of horizontal distance for each foot of vertical distance).

"Structure" means any form of construction or apparatus of a permanent or temporary character, constructed or installed, including any implements or material used in the erection, alteration or repair of such structure. This includes, but is not limited to, buildings, towers, smokestacks, and overhead transmission lines.

"Touchdown and Lift-Off Area" or "TLOF" means an area commonly referred to as a helipad and normally centered in an FATO.

"Utility Runway" means a runway that is constructed and intended to be used primarily for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" means a grant of relief by the Division from the requirements of this Part in accordance with Section 16.180.

"Vegetation" means plant life in general.

"Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation planned or indicated on an FAA or Departmental planning document.

"VTOL" means aircraft capable of vertical takeoff and landing operations.

Section 16.35 Public Hearings

- a) The Division will conduct public hearings at which parties in interest and citizens will have the opportunity to provide comments or voice opposition to the proposed adoption of this Part for those airports listed in Section 16. Appendix A. (See Section 19 of the Act.) Priority to provide comments or voice opposition to the proposed adoption of this Part will go to those parties in interest whose

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structures or objects are located under any surface described in Section 16.40 through Section 16.120.

- b) The time and place of the public hearings will be at the discretion of the Division and the applicable airport owner or operator.
- c) *Notice of the public hearing shall be published at least once not more than 30 nor less than 15 calendar days before the hearing in a newspaper of general circulation in the political subdivision or subdivisions in which is located, wholly or partly, the airport hazard area to be zoned or, if no newspaper is generally circulated in any such political subdivision, then in a newspaper of general circulation in the county in which such political subdivision is located.* (Section 19 of the Act)

Section 16.40 Surfaces and Height Limitations

- a) Height limitations are established through the use of airport imaginary surfaces as described in Sections 16.50 - 16.110. The size of an imaginary surface relates to the category of aircraft expected to use the runway and the type of approach available or planned for that runway. The slope and dimension of the approach surface applied to each end of a runway will be determined by the most precise approach, existing or planned, for that runway end.
- b) Airport imaginary surfaces are described in Sections 16.50 - 16.110. Because these surfaces are the same as the approach surfaces in 14 CFR 77, effective October 1, 2002, an airport airspace drawing sheet of the currently approved ALP will serve as the visual representation of the imaginary surfaces for each airport (see Section 16.Appendix A). These drawing sheets can be viewed at the Illinois Department of Transportation, Division of Aeronautics, Capital Airport, 1 Langhorne Bond Drive, Springfield, Illinois 62707.
- c) An area located in more than one of the surfaces described in Sections 16.50 - 16.120 is considered to be only in the surface with the most restrictive height limitation.
- d) Except as otherwise provided in this Part, no structure, equipment, vegetation, or material shall be erected, placed, altered, allowed to grow, or maintained at a height in excess of the limit established by the surfaces described in Sections 16.50 - 16.120. Additionally, no use may be made of any area under a surface

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described in this Part that would constitute an airport hazard, as that term is defined in Section 16.130.

- e) The surfaces and height limitations established by this Part take into consideration future alterations of an airport, including runway relocation, extension, and new construction, as well as changes in runway approaches. No person may cause or allow a structure or vegetation to penetrate a surface associated with a planned change at an airport covered by this Part or penalties will be imposed. Future changes planned by an airport may be found on the ALP which can be viewed by contacting the airport owner or the Division.

Section 16.50 Horizontal Surface

A horizontal surface is a plane 150 feet above the established airport elevation.

- a) The perimeter of a horizontal surface is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radii of each arc is:
 - 1) 5,000 feet for all runways designated as utility or visual; and
 - 2) 10,000 feet for all other runways.
- b) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest value determined for either end of the runway.
- c) When tangents connecting two adjacent 10,000-foot arcs encompass a 5,000-foot arc, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- d) The horizontal surface does not include the approach surface (see Section 16.80) and transitional surfaces (see Section 16.90).
- e) Under Departmental standards, a horizontal surface is defined as a circle (radius 5,000 feet) with the center being the ARP.

Section 16.60 Conical Surface

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- a) A conical is a surface that extends outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally for each foot vertically, for a horizontal distance of 4,000 feet.
- b) The conical surface does not include the precision instrument approach surface (see Section 16.80) and the transitional surfaces (see Section 16.90).
- c) There is no conical surface for Departmental standards.

Section 16.70 Primary Surface

- a) A primary surface is longitudinally centered on a runway of each applicable airport listed in Section 16. Appendix A. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - 1) 200 feet (Departmental standard);
 - 2) 250 feet for utility runways having only visual approaches;
 - 3) 500 feet for utility runways having non-precision instrument approaches;
 - 4) For other than utility runways, the width is:
 - A) 500 feet for visual runways having only visual approaches;
 - B) 500 feet for non-precision instrument approach runways having existing or proposed visibility minimums greater than three-fourths of a statute mile;
 - C) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument approach runways.

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- b) The width of the primary surface of a runway will be the width prescribed in subsection (a) of this Section for the most precise approach existing or planned for either end of that runway.

Section 16.80 Approach Surface

An approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from each end of the primary surface. An approach surface is applied to each end and is based upon the type of approach available or planned for that runway end.

- a) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - 1) 800 feet (Departmental standard);
 - 2) 1,250 feet for that end of a utility runway with only visual approaches;
 - 3) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - 4) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
 - 5) 3,500 feet for that end of a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - 6) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile; and
 - 7) 16,000 feet for precision instrument approach runways.
- b) The approach surface extends for a horizontal distance of:
 - 1) 3,000 feet at a slope of 20 feet horizontally for each foot vertically (Departmental standard);
 - 2) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;

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- 3) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument approach runways other than utility; and
 - 4) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument approach runways.
- c) The outer width of an approach surface to an end of a runway will be that width prescribed in this Section 16.80 for the most precise approach, existing or planned, for that runway end.

Section 16.90 Transitional Surfaces

- a) Transitional surfaces extend outward and upward in a direction perpendicular to the runway centerline and to an extension of that line at a slope of seven feet horizontally for each foot vertically (7:1) beginning at the sides (cf., ends) of the primary and approach surfaces extending to the horizontal and the conical surface. When the approach slope extends beyond the lateral limits of the conical surface, the transitional surface extends for 5,000 feet horizontally. The beginning elevation of these surfaces is the same elevation as the primary and approach surfaces.
- b) Airports covered by Departmental standards only have transitional surfaces that begin at the sides (cf., ends) of the primary surface extending to the horizontal surface (i.e., no transition surfaces that extend off the approach surfaces).

Section 16.100 Circling Approach Surface

- a) A circling approach surface is a circular area that is 200 feet above natural ground level or above the established airport elevation (whichever is greater) within three nautical miles of the established ARP of the airports listed in Section 16.Appendix A. It increases in height at a proportion of 100 feet for each additional nautical mile of distance up to six nautical miles from the airport reference point up to a maximum height of 500 feet (see Section 16.Illustration C).
- b) Beyond the six nautical mile criterion in subsection (a) of this Section, an object would be an obstruction to air navigation if at a height greater than 500 feet above ground level at its site (see Section 16.Illustration D).

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Section 16.110 Instrument Approach Obstruction Clearance Surface

This surface is at a height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, that would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance for that instrument approach procedure.

Section 16.120 Heliport/Vertiport Surfaces

- a) The Division's minimum standards for the operation of heliports/vertiports for rotorcraft aircraft are contained in 92 Ill. Adm. Code 14, Aviation Safety.
- b) A heliport/vertiport is required to have two defined approach/takeoff paths. The approach path is defined in the heliport/vertiport certificate. The obstruction clearance standards for heliports/vertiports are shown in Section 16.Illustration E.

Section 16.130 Use Restrictions

Within the surfaces detailed in Sections 16.50 - 16.120, the following uses are prohibited:

- a) **Electrical or Electronic Interference.** No use shall be made so as to create electrical or electronic interference with aeronautical navigational signals, radio, or radar communication between the airport or with aircraft using the airport's facilities. Before it is determined that a hazard exists, the Division will observe all relevant factors, including, but not limited to, the type of aircraft using the airport, the traffic patterns at the airport, the time of day, and frequency of the interference. When a hazard exists, the Division will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within that period of time specified in the letter, to avoid penalties (see Section 16.200).
- b) **Illuminated Structures or Light Sources.** No installation and use of flashing or illuminated advertising or business signs, billboards, spotlights, or any other type of illuminated structure or light source that will be hazardous for pilots shall be permitted. Before it is determined that a hazard exists, the Division will observe all relevant factors, including, but not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others or that result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, takeoff or maneuvering of aircraft, the proximity of the illuminated structure or light source to the airport, and the traffic

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patterns at the airport. When a hazard exists, the Division will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within that period of time specified in the letter, to avoid penalties (see Section 16.200).

- c) Environmental Discharge
- 1) A use that emits or discharges smoke (e.g., exhaust from a smoke stack), that interferes with the health and safety of pilots and the public in the use of the airport, or that is otherwise detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
 - 2) A use that emits thermal discharge (e.g., steam from a power plant), that interferes with the pilot's vision in the use of the airport.
 - 3) A use that significantly causes air turbulence (e.g., exhaust from a peaker plant) where aircraft limit loads may be exceeded.
 - 4) Any other kind of emission that may cause a safety of flight issue as determined by the Division.

In determining if an emission or environmental discharge will interfere with the health and safety of pilots and the public, the Division will observe all relevant factors, which include, but are not limited to, the density of discharge, frequency of the emission or discharge, source of the discharge, general weather patterns in the vicinity, time of day, and volume and type of aircraft that use the airport. When a hazard exists, the Division will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within that period of time specified in the letter, to avoid penalties (see Section 16.200).

Section 16.140 Pre-Existing, Non-Conforming Uses (Grandfather Clause)

- a) The surface requirements prescribed by this Part shall not be construed to require the removal, lowering or other changes, or alteration of any structures or vegetation that were in compliance with prior airport hazard zoning rules adopted by the Division but that are not now in compliance with this Part as of its effective date. Likewise, the surface requirements shall not be construed to interfere with the continuance of any non-conforming use. Nothing in this Part shall require any changes in construction, alteration, or intended use of any structure, the

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construction or alteration of which is being diligently carried out and was begun prior to the applicability of this Part to that specific airport.

- b) This subsection (b) must be read with Section 16.40(e) that restricts the causing or allowing of structures or vegetation to penetrate imaginary surfaces associated with a planned runway or approach change. It is possible, therefore, that some vegetation or structures permissible at a certain location under previously established airport hazard zoning requirements will not be allowed, under this Part, when plans are made to change a runway or approach. Specifically, if construction of a structure begins and is diligently pursued prior to a change in plans for the runway or approach, the structure will be allowed. The structure and/or vegetation will not be allowed to increase to a size that would further penetrate an imaginary surface.
- c) Marking and Lighting
 - 1) Notwithstanding the provisions of subsection (a) of this Section, the owner of any existing non-conforming structure must permit the installation, operation and maintenance of markers and lights deemed necessary by the Division. Any installation, operation and maintenance of markers or lights shall be the responsibility and expense of the airport.
 - 2) In determining the necessity for markers and lights, the Division shall consider all relevant conditions, including, but not limited to, the traffic patterns, the volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 16.150 Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed

- a) When the Division determines that a non-conforming structure, use, or vegetation has been abandoned or more than 80 percent demolished, destroyed, physically deteriorated, or decayed:
 - 1) No permit will be granted that will allow a non-conforming structure, use, or vegetation to exceed the applicable height limit or otherwise deviate from this Part except pursuant to a variance granted under Section 16.180; and

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- 2) Whether or not application is made for a permit, the Division will issue an Order, pursuant to subsection (b) of this Section, in cases where the remaining structure, use, or vegetation constitutes a violation of this Part, compelling the owner of the non-conforming structure, use, or vegetation, at his/her own expense, to lower, remove, reconstruct, or equip the structure, use, or vegetation as may be necessary to conform to this Part. If the owner of the non-conforming structure, use, or vegetation neglects or refuses to comply with the Order within 10 days after receipt, the Division may proceed to have the structure, use, or vegetation lowered, removed, reconstructed, or equipped at the owner's expense. The Division will have a lien, on behalf of the State, upon the land where the structure, use, or vegetation is or was located, in the amount of the cost and expense. The lien may be enforced by the Division on behalf of the State by suit for enforcement as in the case of other liens. (See Section 23 of the Act.)
- b) The Division will issue an Order if it is determined that the non-conforming structure, use, or vegetation interferes with traffic patterns at the airport. In making the determination, the Division will consider factors that include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or non-precision instrument approach runways.

Section 16.160 Notice of Construction or Alteration of Any Structure

- a) Construction or Alteration Requiring Notice (14 CFR 77.13, effective October 1, 2002). Each person or sponsor proposing any of the following construction or alterations of any structure on or in the vicinity of the airports listed in Section 16.Appendix A shall notify the Division (see subsection (b) of this Section), for objects on airport property, or the FAA, for objects off airport property.
 - 1) Any construction or alteration of more than 200 feet in height above the natural ground level at its site.
 - 2) Any construction or alteration of a height greater than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100:1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3,200 feet in actual length.

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- B) 50:1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3,200 feet in actual length.
 - C) 25:1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport/vertiport.
- 3) Any highway, railroad, or other traverse way for mobile objects, of a height that would exceed a standard described in subsection (a)(1) or (a)(2) of this Section, if adjusted upward: 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance; 15 feet for any other public roadway; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road; 23 feet for a railroad; and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it.
 - 4) Any construction or alteration that exceeds a standard of the Act or of this Part.
- b) Form and Time of Notice
 - 1) Each person required to notify the Division under subsection (a) of this Section shall forward one completed FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Illinois Department of Transportation, Division of Aeronautics, Capital Airport, 1 Langhorne Bond Drive, Springfield, Illinois 62707-8415.
 - 2) Notice must be submitted at least 30 calendar days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 calendar day requirement in subsection (b)(2) of this Section does not apply and notice may be communicated to the Division by telephone (217-785-8500), telegraph, facsimile (217-785-4533), or other expeditious means, with a completed FAA Form 7460-1 submitted to the Division

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within 5 calendar days after the emergency. For example, an emergency could include breaks in sewer lines, gas mains or power lines.

- c) Acknowledgment of Notice
 - 1) The Division will acknowledge in writing the receipt of a notice submitted under subsection (a) of this Section within 30 calendar days after receipt of the notice.
 - 2) The acknowledgment will state whether a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) will require lighting or marking;
 - B) will not be in violation of this Part or Departmental standards;
 - C) will require supplemental information (e.g., certified engineering/survey data from a professional engineer, architect or surveyor on the certifier's letterhead regarding the proposed site location and height) (Once the supplemental information has been reviewed by the Division, a second acknowledgment will be sent to the person or sponsor and a determination concerning the proposed construction or alteration will again be made pursuant to subsection (c) of this Section.);
 - D) will require a permit from the Division (see Section 16.170);
 - E) will require a variance from the Division (see Section 16.180); or
 - F) will be acceptable, as submitted.
- d) Compliance with Acknowledgment. The person or sponsor that notifies the Division of the construction or alteration of a structure shall have the sole responsibility to comply with the requirements set forth in the Division's acknowledgement as described in subsections (c)(2)(A), (C), (D) and (E) of this Section.

Section 16.170 Permits

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- a) A permit from the Division is required before any person makes any use, or a change in use, of any land or water beneath any surface established by this Part or when use may create an airport hazard (see Section 23 of the Act). Use may include, but is not limited to, the following:
- 1) constructing or altering a structure;
 - 2) erecting or altering any device, including mobile items such as vehicles or cranes;
 - 3) causing or allowing an accumulation of earth, debris, or other material;
 - 4) planting vegetation;
 - 5) allowing vegetation to penetrate any surface;
 - 6) causing or allowing the emission of smoke, light or reflection, electromagnetic energy, etc. (environmental emissions);
 - 7) use of kites or balloons, whether tethered or not; and
 - 8) use of fireworks.
- b) A permit from the Division is also required for any penetrations of the notification surface (see Section 16.160) up to the airport imaginary surfaces (see Section 16.40 - 16.120). An exception is made for any tree or structure less than 75' of vertical height above the ground and that does not penetrate any airport imaginary surface.
- c) A permit is not required when the structure, accumulation, or vegetation is beyond the lateral limits of the conical surface and less than 200 feet above the natural ground level, unless the structure or vegetation extends into a limiting surface (see Section 16.80(b)).
- d) A permit will be issued by the Division within 30 calendar days after receipt of the notice (see Section 16.160) or within 30 calendar days after receipt of supplemental information, if applicable (see Section 16.160(c)(2)(C)).

Section 16.180 Variances

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- a) General. Any person wishing to erect or increase the height of any structure or permit any vegetation or use of his/her property not in accordance with this Part must obtain a variance from the Division.
- b) Marking and Lighting. Any variance granted by the Division may be so conditioned as to require the owner of the structure or vegetation to permit, at the expense of the owner, the installation, operation and maintenance of markers and lights as may be required to indicate to pilots the presence of the structure or vegetation.
- c) In making a determination to allow a variance, the Division will consider, but is not limited to considering:
 - 1) the proximity of the hazard to the normal flight path or traffic patterns at the airport;
 - 2) the proximity of other non-conforming uses, structures or vegetation that would impair the use of the airport;
 - 3) the height of the object;
 - 4) the volume of air traffic at the airport;
 - 5) the type of aircraft using the airport;
 - 6) the type of navigational aids used at the airport;
 - 7) the length and width of existing runways; and
 - 8) the plans for future expansion of the airport.

Variations would be granted when it is found that *a literal application or enforcement of this Part will result in practical difficulty or unnecessary hardship and the relief granted is not contrary to the public interest but would do substantial justice and will be in accordance with the spirit of the Act.* (Section 24 of the Act)

- d) A decision to grant or deny a variance will be made by the Division within 30 calendar days after receipt of the notice (see Section 16.160) or within 30 calendar days after receipt of supplemental information (see Section 16.160(c)(2)(C)). The

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person or sponsor may appeal any decision made by the Division (see Section 16.190).

Section 16.190 Administrative and Judicial Review

- a) **Administrative Review.** Within 30 calendar days after the issuance of any ruling, order, or decision of the Division under this Part, any affected party or affected person may appeal in writing, regardless of form, to the Chief Engineer of the Division asking that the determination be reversed (wholly or in part), modified, changed, abrogated, or rescinded. A hearing on the appeal will be held at the offices of the Division within 20 calendar days after receipt of the appeal. The hearing shall be held in accordance with the rules of practice made part of the Division's rules on Aviation Safety, 92 Ill. Adm. Code 14, Subpart K. A written Order on the appeal will be issued within 10 business days after the hearing. If the decision is not issued within 10 business days, the appeal shall be considered to be denied and the initial determination of the Division shall remain in full force and effect.
- b) **Judicial Review.** Judicial review of any decision of the Division made pursuant to this Part shall be governed by the Administrative Review Law [735 ILCS 5/Art. III].

Section 16.200 Penalties

Each violation of this Part shall constitute an airport hazard; shall be a petty offense; and shall carry a fine of \$1,000. Each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the circuit court of the county in which the airport is located, or circuit court of any county in which the airport hazard is wholly or partly located, an action to prevent, restrain, correct, or abate any violation of this Part, or of any regulation, order or ruling made in connection with their administration or enforcement. The court shall provide such relief by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purposes of this Part as adopted and orders and rulings made pursuant thereto. (See Section 34 of the Act.)

Section 16.210 Conflicting Regulations

If an apparent conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures or vegetation, the use of land, or any other matter, the more stringent regulation or ordinance will govern and prevail. For example:

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- a) Differences between the Division and the Department's Division of Highways concerning outdoor advertising sign placement.
- b) Differences between the Division and the Illinois Commerce Commission over a public utility power line pole location.

Section 16.220 Severability

If any of the provisions of this Part or the application of it to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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Section 16.APPENDIX A Applicable Airports

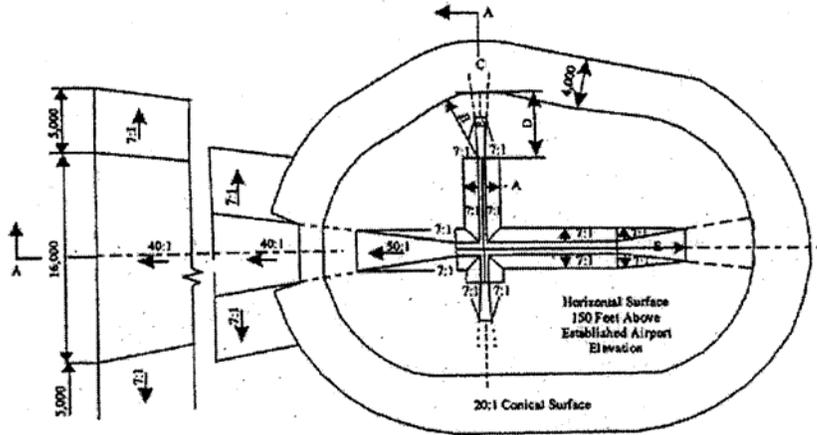
<u>Airport</u>	<u>City</u>	<u>County</u>	<u>ARP Latitude</u>	<u>ARP Longitude</u>	<u>Fed Std.</u>	<u>State Std.</u>
SPI	Springfield	Sangamon	39-50.64	89-40.66	X	

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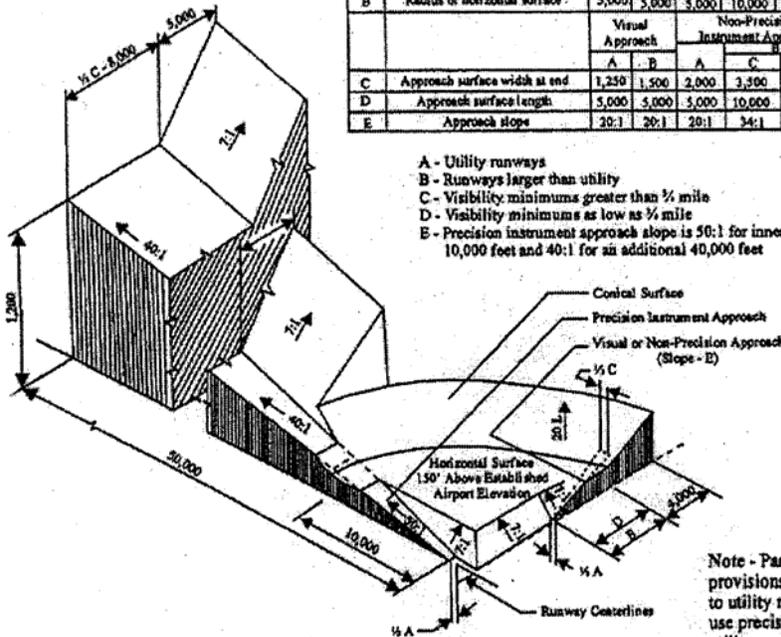
NOTICE OF ADOPTED RULES

Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION A Airports Imaginary Surfaces



DIM	ITEM	Dimensional Standards (Feet)					
		Visual Runway		Non-Precision Instrument Runway			Precision Instrument Runway
		A	B	A	C	D	
A	Width of primary surface and approach surface width at inner end	250	500	500	500	1,000	1,000
B	Radius of horizontal surface	5,000	5,000	5,000	10,000	10,000	10,000
		Visual Approach		Non-Precision Instrument Approach			Precision Instrument Approach
		A	B	A	C	D	
C	Approach surface width at end	1,250	1,500	2,000	3,300	4,000	16,000
D	Approach surface length	5,000	5,000	5,000	10,000	10,000	*
E	Approach slope	20:1	20:1	20:1	34:1	34:1	*



- A - Utility runways
- B - Runways larger than utility
- C - Visibility minimums greater than 1/2 mile
- D - Visibility minimums as low as 1/2 mile
- E - Precision instrument approach slope is 50:1 for inner 10,000 feet and 40:1 for an additional 40,000 feet

Note - Part 77.25 does not make provisions for precision approaches to utility runways. In these situations, use precision standards for other than utility runways to develop the primary, approach, and transition surfaces.

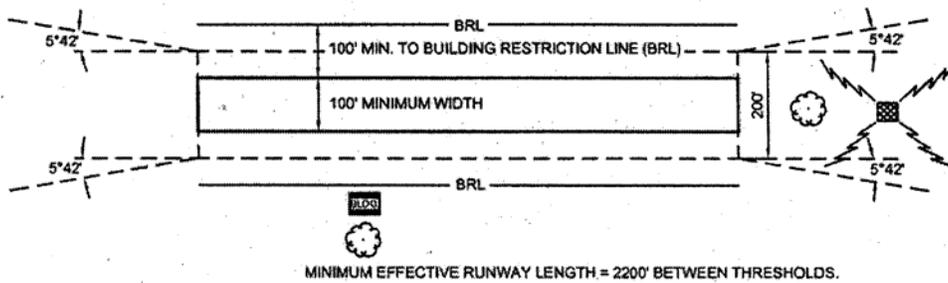
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

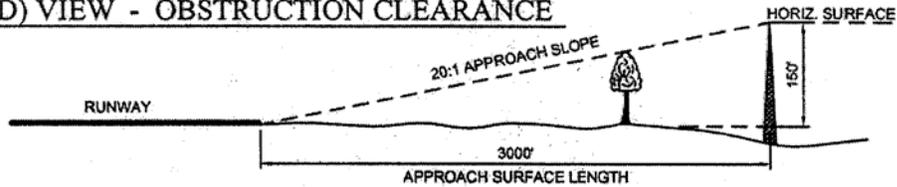
Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION B Airports (Public- or Private-Use) Minimum Dimensional Standards

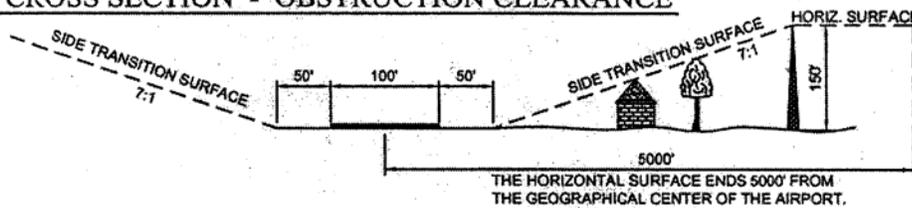
PLAN VIEW



PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



RUNWAY CROSS SECTION - OBSTRUCTION CLEARANCE



- NOTES:
1. NO PENETRATIONS TO 7:1 SIDE TRANSITION SURFACES.
 2. NO PENETRATIONS TO 20:1 RUNWAY APPROACHES.
 3. NO CROPS WITHIN 100' EITHER SIDE OF RUNWAY CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATE HIGHWAYS.
 - 23' CLEARANCE OVER ALL RAILROADS.

SECONDARY RUNWAYS: UNLESS DESIGNATED AS STOL, SECONDARY RUNWAYS ARE RECOMMENDED TO BE AT LEAST 80% OF THE EFFECTIVE LENGTH OF THE PRIMARY RUNWAY.

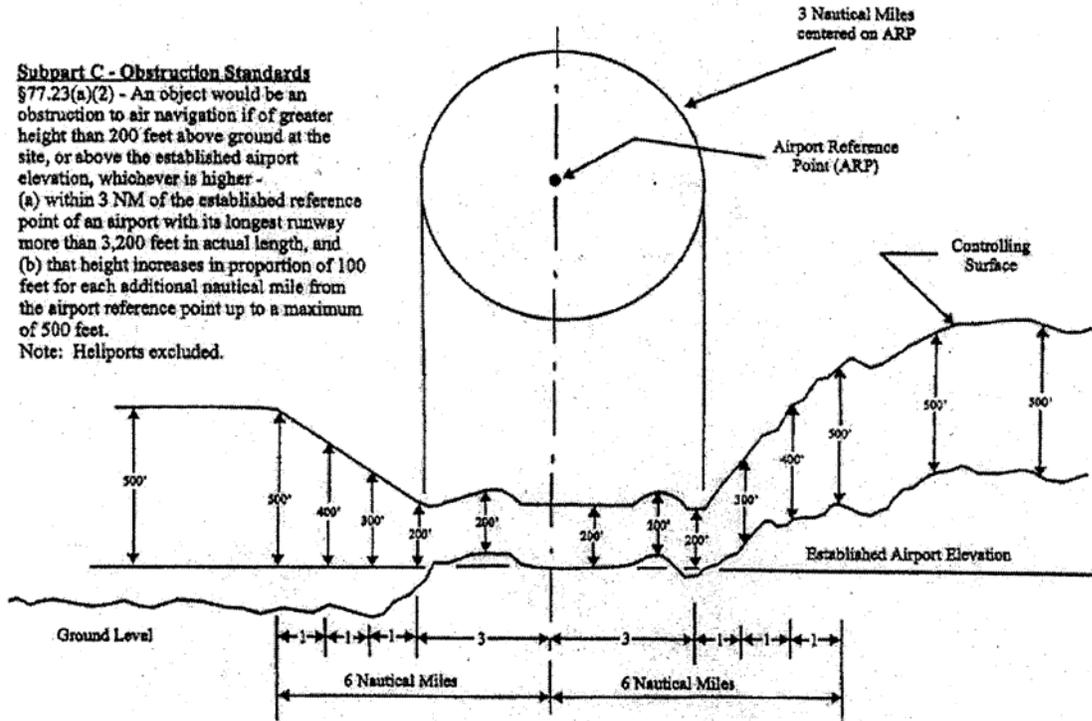
DEPARTMENT OF TRANSPORTATION

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Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION C Obstruction Standards (≤ 6 Nautical Miles)

Subpart C - Obstruction Standards
 §77.23(a)(2) - An object would be an obstruction to air navigation if of greater height than 200 feet above ground at the site, or above the established airport elevation, whichever is higher -
 (a) within 3 NM of the established reference point of an airport with its longest runway more than 3,200 feet in actual length, and
 (b) that height increases in proportion of 100 feet for each additional nautical mile from the airport reference point up to a maximum of 500 feet.
 Note: Heliports excluded.

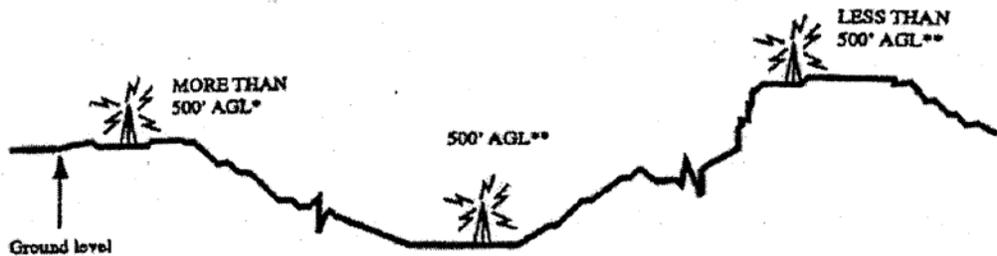


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Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION D Obstruction Standards (> 6 Nautical Miles)



- * Obstruction to Air Navigation
- ** Not an Obstruction to Air Navigation

Subpart C - Obstruction Standards

§77.23(a)(1) - An object would be an obstruction to air navigation if of greater height than 500 feet above ground level at its site.

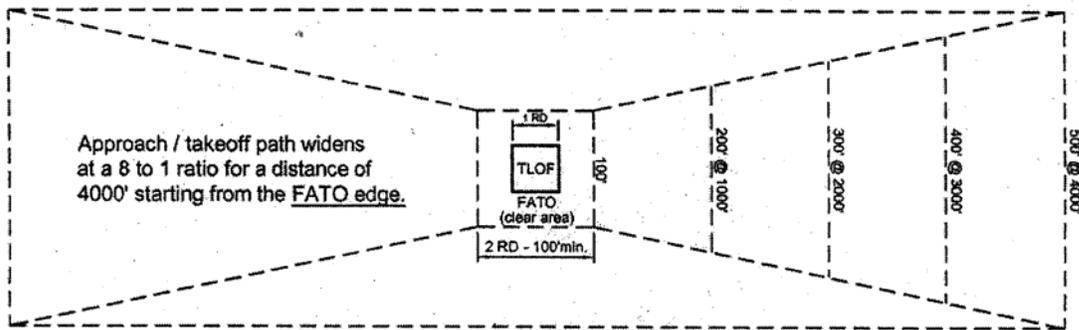
DEPARTMENT OF TRANSPORTATION

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Section 16.APPENDIX A Applicable Airports

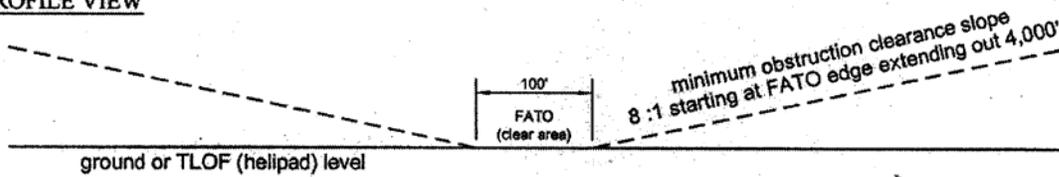
Section 16.ILLUSTRATION E Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW



STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Number: 25.835 Emergency Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) Effective Date of Amendment: January 23, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed with the Index Department: January 23, 2004
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The time is drawing near for the first group of teachers who hold standard certificates to complete five years of teaching on those certificates and to apply for their renewal. As ISBE staff members have been reviewing the procedures that all the parties will need to take in the certificate renewal process, one aspect of the rules has been identified as entailing unnecessary expense not required by the statute.

Section 25.835 of the rules discusses notices that must be provided to teachers by their Local Professional Development Committees (LPDCs). The first notice is provided in advance, to inform the teacher of the recommendation the LPDC plans to forward to the regional superintendent of schools regarding renewal or non-renewal of the individual's standard certificate. (This gives the teacher an opportunity to request reconsideration of an intended negative recommendation.) The second is provided when the notice is actually sent to the regional superintendent.

It is clear that a formal means must be used to ensure that teachers receive notifications of recommendations for non-renewal. This level of formality and documentation is not needed in cases of positive recommendations, where teachers will have no need to appeal or take any action to preserve their rights. However, Section 25.835(d)(3) requires every notification at that point to include a return receipt. This is not required by Section 21-14 of the School Code and will lead to unnecessary mailing costs on the part of LPDCs.

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

We assume that the large majority of recommendations will be for certificate renewal and that streamlining these communications will lead to significant savings. We believe it is incumbent on the State Board to eliminate this requirement in time for this spring's implementation of the renewal process. Emergency rulemaking is needed in order for the rule change to be in effect when this year's notices are being sent.

10) A Complete Description of the Subjects and Issues Involved:

The requirements for processing teachers' applications for certificate renewal include keeping teachers informed via written notification of the recommendations that are being made at each stage.

- LPDCs must provide advance notice of the recommendations they intend to forward to regional superintendents.
- LPDCs must provide notice when they do forward their recommendations to regional superintendents.
- Regional superintendents must provide notice regarding the recommendations they make to the State Teacher Certification Board.
- The State Teacher Certification Board must notify teachers regarding decisions to renew or not to renew their certificates.

In all four of these situations, written notice of recommendations and decisions not to renew must be sent by means that include a return receipt. In the second instance, the rule (Section 25.835(d)(3)) requires every notification to include a return receipt. There is clearly no need for teachers to be notified by a means that entails extra expense when the recommendation is positive and they will have no need to appeal it.

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

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
25.11	Amendment	28 Ill. Reg. 82, January 2, 2004
25.20	Amendment	28 Ill. Reg. 82, January 2, 2004
25.22	New Section	28 Ill. Reg. 82, January 2, 2004
25.30	Amendment	28 Ill. Reg. 82, January 2, 2004
25.32	New Section	28 Ill. Reg. 82, January 2, 2004
25.35	Amendment	28 Ill. Reg. 82, January 2, 2004
25.37	New Section	28 Ill. Reg. 82, January 2, 2004
25.40	Amendment	28 Ill. Reg. 82, January 2, 2004
25.42	New Section	28 Ill. Reg. 82, January 2, 2004
25.80	Amendment	28 Ill. Reg. 82, January 2, 2004

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25.82	New Section	28 Ill. Reg. 82, January 2, 2004
25.95	Repeal	28 Ill. Reg. 82, January 2, 2004
25.99	Amendment	28 Ill. Reg. 82, January 2, 2004
25.100	New Section	28 Ill. Reg. 82, January 2, 2004
25.115	Amendment	28 Ill. Reg. 82, January 2, 2004
25.125	Amendment	28 Ill. Reg. 82, January 2, 2004
25.127	Amendment	28 Ill. Reg. 82, January 2, 2004
25.200	New Section	28 Ill. Reg. 82, January 2, 2004
25.210	Amendment	28 Ill. Reg. 82, January 2, 2004
25.215	New Section	28 Ill. Reg. 82, January 2, 2004
25.220	Amendment	28 Ill. Reg. 82, January 2, 2004
25.225	New Section	28 Ill. Reg. 82, January 2, 2004
25.227	New Section	28 Ill. Reg. 82, January 2, 2004
25.230	Amendment	28 Ill. Reg. 82, January 2, 2004
25.235	New Section	28 Ill. Reg. 82, January 2, 2004
25.240	Amendment	28 Ill. Reg. 82, January 2, 2004
25.245	New Section	28 Ill. Reg. 82, January 2, 2004
25.252	New Section	28 Ill. Reg. 82, January 2, 2004
25.300	New Section	28 Ill. Reg. 82, January 2, 2004
25.311	Repeal	28 Ill. Reg. 82, January 2, 2004
25.333	Amendment	28 Ill. Reg. 82, January 2, 2004
25.335	New Section	28 Ill. Reg. 82, January 2, 2004
25.344	Amendment	28 Ill. Reg. 82, January 2, 2004
25.345	New Section	28 Ill. Reg. 82, January 2, 2004
25.355	Amendment	28 Ill. Reg. 82, January 2, 2004
25.360	New Section	28 Ill. Reg. 82, January 2, 2004
25.365	New Section	28 Ill. Reg. 82, January 2, 2004
25.415	Repeal	28 Ill. Reg. 82, January 2, 2004
25.425	Amendment	28 Ill. Reg. 82, January 2, 2004
25.427	Amendment	28 Ill. Reg. 82, January 2, 2004
25.430	Repeal	28 Ill. Reg. 82, January 2, 2004
25.440	Repeal	28 Ill. Reg. 82, January 2, 2004
25.444	Amendment	28 Ill. Reg. 82, January 2, 2004
25.445	Repeal	28 Ill. Reg. 82, January 2, 2004
25.460	Repeal	28 Ill. Reg. 82, January 2, 2004
25.464	New Section	28 Ill. Reg. 82, January 2, 2004
25.465	Repeal	28 Ill. Reg. 82, January 2, 2004
25.470	Repeal	28 Ill. Reg. 82, January 2, 2004
25.480	Repeal	28 Ill. Reg. 82, January 2, 2004
25.493	Amendment	28 Ill. Reg. 82, January 2, 2004

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25.495	Repeal	28 Ill. Reg. 82, January 2, 2004
25.510	Amendment	28 Ill. Reg. 82, January 2, 2004
25.520	Amendment	28 Ill. Reg. 82, January 2, 2004
25.610	Amendment	28 Ill. Reg. 82, January 2, 2004
25.848	Amendment	28 Ill. Reg. 82, January 2, 2004
25.850	Amendment	28 Ill. Reg. 82, January 2, 2004
25.900	Amendment	28 Ill. Reg. 82, January 2, 2004
25.920	Amendment	28 Ill. Reg. 82, January 2, 2004
25.945	Amendment	28 Ill. Reg. 82, January 2, 2004
25.Appendix C	Amendment	28 Ill. Reg. 82, January 2, 2004
25.Appendix D	Repeal	28 Ill. Reg. 82, January 2, 2004
25.Appendix E	New Section	28 Ill. Reg. 82, January 2, 2004

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

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

Lee Patton, Interim Director
Certification and Professional Development
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-4123

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

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)

25.15 Standards for Certain Certificates

25.20 Requirements for the Elementary Certificate

25.30 Requirements for the Secondary Certificate

25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies

25.40 Requirements for the Special Certificate

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate – Speech and Language Impaired

25.50 General Certificate (Repealed)

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Requirements for the Early Childhood Certificate

25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified

25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified

25.90 Transitional Bilingual Certificate and Examination

25.92 Visiting International Teacher Certificate

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

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SUBPART C: APPROVING PROGRAMS THAT PREPARE
PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

Section

- 25.110 System of Approval: Levels of Approval (Repealed)
- 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
- 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
- 25.125 Fifth-Year Review of the Educational Unit
- 25.127 Fifth-Year Review of Individual Programs
- 25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
- 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001
- 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003
- 25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Transitional Requirements for Unit Assessment Systems
- 25.145 Approval of New Programs Within Recognized Institutions
- 25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
- 25.150 The Periodic Review Process (Repealed)
- 25.155 Initial Recognition Procedures
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

- 25.210 Requirements for the Certification of School Social Workers
- 25.220 Requirements for the Certification of Guidance Personnel
- 25.230 Requirements for the Certification of School Psychologists
- 25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY STAFF

Section

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25.310	Definitions (Repealed)
25.311	Administrative Certificate
25.313	Alternative Route to Administrative Certification
25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement
25.344	Chief School Business Official Endorsement
25.355	Superintendent Endorsement

SUBPART F: GENERAL PROVISIONS

Section	
25.400	Registration of Certificates; Fees
25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College
25.420	Psychology Accepted as Professional Education
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval
25.435	School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE
25.442	Illinois Teacher Corps Programs
25.444	Illinois Teaching Excellence Program
25.445	College Credit for High School Mathematics and Language Courses
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates
25.465	Credit
25.470	Meaning of Experience on Administrative Certificates
25.475	Certificates and Permits No Longer Issued (Repealed)
25.480	Credit for Certification Purposes
25.485	Provisional Recognition of Institutions (Repealed)
25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs
25.497	Supervisory Endorsements

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SUBPART G: THE UTILIZATION OF TEACHER AIDES AND
OTHER NONCERTIFIED PERSONNEL

Section	
25.510	Teacher Aides
25.520	Other Noncertificated Personnel
25.530	Specialized Instruction by Noncertificated Personnel
25.540	Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

Section	
25.610	Definitions
25.620	Student Teaching
25.630	Pay for Student Teaching (Repealed)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	
25.705	Purpose – Severability
25.710	Definitions
25.715	Test Validation
25.717	Test Equivalence
25.720	Applicability of Testing Requirement
25.725	Applicability of Scores
25.728	Use of Test Results by Institutions of Higher Education
25.730	Registration
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

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SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section

- 25.800 Professional Development Required
- 25.805 Requirements of the Plan
- 25.810 State Priorities
- 25.815 Submission and Review of the Plan
- 25.820 Review of Approved Plan
- 25.825 Progress Toward Completion
- 25.830 Application for Renewal of Certificate(s)
- 25.832 Validity and Renewal of Master Certificates
- 25.835 Review of and Recommendation Regarding Application for Renewal
- EMERGENCY
- 25.840 Action by State Teacher Certification Board; Appeals
- 25.845 Responsibilities of School Districts
- 25.848 General Responsibilities of LPDCs
- 25.850 General Responsibilities of Regional Superintendents
- 25.855 Approval of Illinois Providers
- 25.860 Out-of-State Providers
- 25.865 Awarding of Credit for Activities with Providers
- 25.870 Continuing Education Units (CEUs)
- 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
- 25.875 Continuing Professional Development Units (CPDUs)
- 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
- 25.885 Funding; Expenses

SUBPART K: REQUIREMENTS FOR RECEIPT OF
THE STANDARD TEACHING CERTIFICATE

Section

- 25.900 Applicability of Requirements in this Subpart
- 25.905 Choices Available to Holders of Initial Certificates
- 25.910 Requirements for Induction and Mentoring
- 25.915 Requirements for Coursework on the Assessment of One's Own Performance
- 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)
- 25.925 Requirements Related to Advanced Degrees
- 25.930 Requirements for Continuing Professional Development Units (CPDUs)

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- 25.935 Additional Activities for Which CPDUs May Be Earned
25.940 Examination
25.945 Procedural Requirements

- 25.APPENDIX A Statistical Test Equating – Certification Testing System
25.APPENDIX B Certificates Available Effective February 15, 2000
25.APPENDIX C Exchange of Certificates
25.APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective

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October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days.

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

**Section 25.835 Review of and Recommendation Regarding Application for Renewal
EMERGENCY**

- a) The LPDC shall review each application that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, use a form supplied by the State Board of Education to provide 30 days' written notification to the certificate-holder of the recommendation it will forward to the regional superintendent of schools. Such notification shall include a copy of the summary form referred to in Section 25.830(b) of this Part, signed by the chair of the LPDC and indicating whether the quantity and distribution of credit displayed thereon demonstrate that the certificate-holder has met the requirements of his or her approved plan. If the recommendation will be for nonrenewal of the affected certificate(s), such notification shall include a return receipt.
- b) At any time before the recommendation is to be forwarded to the regional superintendent, the certificate-holder may submit a written request to appear before the committee or a written request that the LPDC reconsider its intention to forward an unfavorable recommendation.
- c) If requested to do so, the LPDC shall:
 - 1) permit the certificate-holder to appear before it to justify his or her contention that the certificate(s) held should be renewed; or
 - 2) reconsider its recommendation.
- d) The committee shall forward a recommendation to the regional superintendent, on a form provided by the State Board of Education, no later than 30 days after receipt of the certificate-holder's request pursuant to subsection (b) of this Section. The committee shall provide concurrent notification to the certificate-holder that:
 - 1) states the recommendation and the rationale for it;
 - 2) indicates the date on which the recommendation was forwarded to the

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regional superintendent; and

- 3) includes a return receipt if the recommendation is for nonrenewal.
- e) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall pay to the regional superintendent the fee required pursuant to Section 21-16(b) of the School Code [105 ILCS 5/21-16(b)].
- f) The certificate-holder may appeal to the responsible RPDRC for consideration of his or her application for renewal if the LPDC does not respond within any of the timelines set forth in subsections (a) and (d) of this Section.
- g) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded, the certificate-holder may appeal the recommendation to the RPDRC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and may include any supporting documentation the certificate-holder deems relevant.
- h) Within seven business days after receipt of such an appeal, the RPDRC shall request the LPDC's record of review. The LPDC's record shall be forwarded to the RPDRC within seven business days and shall include:
 - 1) the individual's approved plan for continuing professional development and any amendments that have been made thereto;
 - 2) any evidence of completion for activities submitted by the certificate-holder that has been maintained by the LPDC, and the summary form that shows how credits were awarded; and
 - 3) copies of any determinations made by the LPDC not to award credit as claimed by the certificate-holder and any evidence that supports such determinations.
- i) Within 45 days after receiving such an appeal, the RPDRC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDRC shall use a form provided by the State Board of Education for this purpose and shall include the rationale for its recommendation. To assist it in arriving at its recommendation, the RPDRC may require the submission of

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additional information or may request that the certificate-holder appear before it. The RPDRC shall also forward to the regional superintendent the LPDC's record of review, as well as any supporting documentation supplied by the certificate-holder.

- j) Within 14 days after receiving the last recommendation required under subsections (a) through (i) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of the recommendation shall be sent to the certificate-holder concurrently. If the recommendation is not to renew the certificate(s) held, or if the application indicates the individual is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments, the certificate-holder's copy shall be sent by certified mail, return receipt requested; and the regional superintendent shall return the registration fee therewith.
- 1) The regional superintendent shall forward to the Secretary of the State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC's recommendation for certificate renewal. This list shall be prepared on a form supplied by the State Board of Education.
 - 2) If the regional superintendent is recommending certificate renewal despite a local or regional committee's recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
 - A) the LPDC's record of review;
 - B) the RPDRC's recommendation and the material called for in subsection (i) of this Section, if any; and
 - C) the regional superintendent's rationale for recommending renewal.
 - 3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:

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- A) the LPDC's record of review;
 - B) the RPDC's recommendation and the material called for in subsection (i) of this Section, if any; and
 - C) the regional superintendent's rationale for recommending nonrenewal.
- k) Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her certificate(s), the certificate-holder may appeal that recommendation to the State Teacher Certification Board, using a form provided by the State Board of Education.
- 1) The appeal must state the reasons why the recommendation of the regional superintendent should be reversed and must be sent by certified mail, return receipt requested.
 - A) Appeals shall be addressed to:

State Teacher Certification Board Secretary
100 North First Street
Springfield, Illinois 62777
 - B) No electronic or facsimile transmissions will be accepted.
 - C) Appeals postmarked later than 14 calendar days following receipt of the nonrenewal notice will not be processed.
 - 2) In addition to the appeal form, the certificate-holder may submit the following material when the appeal is filed:
 - A) evidence that he or she has satisfactorily completed activities set forth in his or her approved certificate renewal plan;
 - B) any other relevant documents.
- l) Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder's failure to satisfactorily complete the activities set forth in an approved certificate renewal plan, i.e., to accumulate sufficient units of credit for activities distributed as required among the purposes enumerated in

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NOTICE OF EMERGENCY AMENDMENT

Section 21-14 of the School Code.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Reimbursement for Nursing Costs for Geiatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers:

147.150	Amendment
147.Table A	Amendment
- 4) Date Proposal published in Illinois Register: May 30, 2003; 27 Ill. Reg. 8658
- 5) Date Adoption published in Illinois Register: December 12, 2003; 27 Ill. Reg. 18680
- 6) Summary and Purpose of Expedited Correction: The Department proposed amendments to 89 Ill. Adm. Code 147 on May 30, 2003, at 27 Ill. Reg. 8658. These extensive changes were necessary, pursuant to Public Act 92-0848, to establish a new methodology for the nursing component of rates for nursing facilities that is based upon a federally required assessment tool, the Minimum Data Set (MDS).

During the rulemaking period, a number of changes were made in the proposed amendments. However, one agreed upon change concerning the amendments in Section 147.150 does not appear in the adopted rule text as published on December 12, 2003, at 27 Ill. Reg. 18680. This unintentional discrepancy, which is at the end of Section 147.150(c)(1)(B), appears in the published adoption as "the base wage"; however, the text should read "the mean wage".

Two other unintentional discrepancies involve changes that were made during the 2nd notice period, but do not appear in the published adoption. Under Section 147.Table A, subsection (e)(5) Mental Health Services (Psychosocial Adaptation Services), one MDS item was changed to read "Any Ela-p>0" during 2nd Notice, but the published adoption reads "Any Ela-p>1".

The expedited correction of these inadvertant errors will allow for accurate implementation of the MDS-based reimbursement system. Without these changes, facilities will not be given the proper credit in the reimbursement system for certain residents. The Department will ensure that distribution of the corrected rules will be made to the affected public and long term care industry.

- 7) Information and questions regarding this request shall be directed to:

Joanne Scattoloni

DEPARTMENT OF PUBLIC AID

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

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

DEPARTMENT OF PUBLIC AID

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147

REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section

- 147.5 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
- 147.15 Comprehensive Resident Assessment (Repealed)
- 147.25 Functional Needs and Restorative Care (Repealed)
- 147.50 Service Needs (Repealed)
- 147.75 Definitions (Repealed)
- 147.100 Reconsiderations (Repealed)
- 147.105 Midnight Census Report
- 147.125 Nursing Facility Resident Assessment Instrument
- 147.150 Minimum Data Set (MDS) Based Reimbursement System
- 147.175 Minimum Data Set (MDS) Integrity
- 147.200 Basic Rehabilitation Aide Training Program (Repealed)
- 147.205 Nursing Rates (Repealed)
- 147.250 Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)
- 147.300 Payment to Nursing Facilities Serving Persons with Mental Illness
- 147.301 Sanctions for Noncompliance
- 147.305 Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)
- 147.310 Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)
- 147.315 Comprehensive Functional Assessments and Reassessments (Repealed)
- 147.320 Interdisciplinary Team (IDT) (Repealed)
- 147.325 Comprehensive Program Plan (CPP) (Repealed)
- 147.330 Specialized Care – Administration of Psychopharmacologic Drugs (Repealed)
- 147.335 Specialized Care – Behavioral Emergencies (Repealed)
- 147.340 Discharge Planning (Repealed)
- 147.345 Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness (Repealed)
- 147.350 Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing

DEPARTMENT OF PUBLIC AID

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

Facilities

147.TABLE A	Staff Time (in Minutes) and Allocation by Need Level
147.TABLE B	Staff Time and Allocation for Restorative Programs (Repealed)
147.TABLE C	Comprehensive Resident Assessment (Repealed)
147.TABLE D	Functional Needs and Restorative Care (Repealed)
147.TABLE E	Service (Repealed)
147.TABLE F	Social Services (Repealed)
147.TABLE G	Therapy Services (Repealed)
147.TABLE H	Determinations (Repealed)
147.TABLE I	Activities (Repealed)
147.TABLE J	Signatures (Repealed)
147.TABLE K	Rehabilitation Services (Repealed)
147.TABLE L	Personal Information (Repealed)

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

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January

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25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. _____, effective _____.

Section 147.150 Minimum Data Set (MDS) Based Reimbursement System

- a) Public Act 92-0848 requires the Department to implement, effective July 1, 2003, a payment methodology for the nursing component of the rate paid to nursing facilities. Reimbursement for this component shall be calculated using the Minimum Data Set (MDS). Increased reimbursement under this payment methodology shall be paid only if specific appropriation for this purpose is enacted by the General Assembly.
- b) The nursing component of the rate shall be calculated annually and may be adjusted quarterly. The determination of rates shall be based upon a composite of MDS data collected from each eligible resident in accordance with Section 147. Table A for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period as present in the facility on the last day of the second quarter preceding the rate period. Residents for whom MDS resident identification information is missing or inaccurate, or for whom there is no current MDS record for that quarter, shall be placed in the lowest MDS acuity level for calculation purposes for that quarter. The nursing component of the rate may be adjusted on a quarterly basis if any of the following conditions are met:
 - 1) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time calculated for the previous rate quarter by more than five percent.
 - 2) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds:
 - A) total variable nursing time as calculated for the annual rate period by more than ten percent;
 - B) total variable nursing time as recalculated and adjusted for the annual period by more than five percent.

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- 3) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section declines from the total variable nursing time as calculated for the annual period by more than five percent. No quarterly nursing component rate reduction shall exceed five percent from the previous rate quarter.
- c) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.
- 1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Section 147. Table A). Reimbursement is developed by multiplying the time for each service by the wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. When a service can be provided by either a registered nurse (RN) or licensed practical nurse (LPN), the wage used will be weighted by the average mix of RNs and LPNs in the sample of facilities used to set rates. In calculating a facility's rate, the figures used by the Department for wages will be determined in the following manner:
 - A) The mean wages for the applicable staff levels (RNs, LPNs, certified nursing assistants (CNAs), activity staff, social workers), as reported on the cost reports and determined by regional rate area, will be the mean wages.
 - B) Fringe benefits will be the average percentage of benefits to actual salaries of all nursing facilities based upon cost reports filed pursuant to 89 Ill. Adm. Code 140.543. Fringe benefits will be added to the meanbase wage.
 - C) The base wage, including fringe benefits, will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected

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base wage changes.

- D) Special minimum wage factor. The process used in subsection (c)(1)(A) of this Section to determine regional mean wages for RNs, LPNs and CNAs will include a minimum wage factor. For those facilities below 90% of the Statewide average, the wage is replaced by 90% of the Statewide average.
- E) On July 1 of each year beginning July 1, 2003, the base wage calculated in subsection (c)(1)(C) of this Section shall be multiplied by a ratio:
- i) The numerator of which is the quotient obtained by dividing the amounts estimated by the Department to be available in the rate period for the nursing component of the rate Statewide by the Department's estimate of the number of patient days Statewide for the rate period eligible for reimbursement from the Department.
 - ii) The denominator of which shall be the mean Statewide base rate per patient day.
- 2) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave, and holidays will be determined by multiplying the total of Variable Time by 5%.
- 3) Special Supplies, Consultants and the Director of Nursing. Reimbursement will be made for health care and program supplies, consultants required by the Department of Public Health (including the Medical Director), and the Director of Nursing by applying a factor to variable time and vacation, sick leave and holiday time. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830).
- A) Supplies will be updated for inflation using the General Services Inflator (see 89 Ill. Adm. Code 140.551). Health care and program salaries shall be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for supplies will be the Statewide mean of the ratio of total facility health care and programs supply costs to total facility health care

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and programs salaries.

- B) The Director of Nursing and the consultants will be updated for inflation using the Nursing and Program Inflation (see 89 Ill. Adm. Code 140.552). A factor for the Director of Nursing and consultant costs shall be the Statewide mean of the ratio of all facilities Director of Nursing and consultant costs to total facility health care and programs salaries.
 - C) These costs shall be updated pursuant to cost reports as referenced in 89 Ill. Adm. Code 153.125(f).
- d) **Determination of Facility Rates.**
An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection (c)(1) of this Section), adding the amounts for vacation, sick and holiday time (see subsection (c)(2) of this Section), and supplies, consultants, and the Director of Nursing (see subsection (c)(3) of this Section). The average of the rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.
- e) A transition period from the payment methodology in effect on June 30, 2003, to the payment methodology in effect July 1, 2003, shall be provided for a period not exceeding June 30, 2005, as follows:
- 1) MDS-based rate adjustments under this Section shall not be effective until the attainment of a threshold. The threshold shall be attained at the earlier of either:
 - A) when all nursing facilities have established a rate (sum of all components) which is no less than the rate effective June 30, 2002, or
 - B) July 1, 2005.
 - 2) For a facility that would receive a lower nursing component rate per resident day under the payment methodology effective July 1, 2003, than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be held at the level in effect on June 30,

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2003, until a higher nursing component rate of reimbursement is achieved by that facility.

- 3) For a facility that would receive a higher nursing component rate per resident day under the payment methodology in effect on July 1, 2003, than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be adjusted based on the payment methodology in effect July 1, 2003.
- 4) Notwithstanding subsections (e)(2) and (3) of this Section, the nursing component rate per resident day for the facility shall be adjusted in accordance with subsection (c)(1)(E) of this Section.

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

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Section 147. TABLE A Staff Time (in Minutes) and Allocation by Need Level

- a) Effective July 1, 2003, each Medicare and Medicaid certified nursing facility shall complete, and transmit quarterly to the Department, a full Minimum Data Set (MDS) for each resident who resides in a certified bed, regardless of payment source. A description of the MDS items referenced in the tables found following subsection (e) of this Table A are contained in the Long Term Care Resident Assessment Instrument User's Manual available from the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (December 2002).
- b) Table A identifies 37 MDS items that shall be used to calculate a profile on each Medicaid-eligible resident within each facility.
- c) The profile for each Medicaid-eligible resident shall then be blended to determine the nursing component of the nursing facility's Medicaid rate.
- d) Each MDS item in Table A includes a description of the item and the variable time referred to in Section 147.150(c)(1). The variable time assigned to each level represents the type of staff that should be delivering the service (unlicensed, licensed, social worker and activity) and the number of minutes allotted to that service item.
- e) Following is a listing of the 37 reimbursable MDS items found in Table A.
 - 1) Base Social Work and Activity
 - 2) Activities of Daily Living (ADL)
 - 3) Restorative Programs
 - PROM
 - AROM
 - Splint/Brace
 - Bed Mobility
 - Mobility/Transfer

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Walking

Dressing/Grooming

Eating

Prosthetic Care

Communication

Other Restorative

Continence

4) Medical Services

Discharge Planning

End Stage Care

Pain Management

Infectious Disease

Acute Medical Conditions

Nutrition

Skin Care Programs

Decubitus Prevention

Moderate Skin Intensity or Ostomy Care Services

Intensive Skin Care Services

IV Therapy

Injections

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Oxygen Therapy

Extensive Respiratory Services

Hydration

5) Mental Health (MH) Services

Psychosocial Adaptation

Cognitive Impairment/Memory Assistance

Psychiatric Rehabilitation

6) Special Patient Need Factors:

Communication: add 1% of staff time accrued for ADLs through MH

Vision Problems: add 2% of staff time accrued for ADLs through MH

Accident/Fall Prevention: add 3% of staff time accrued for ADLs through MH

Restraint Free Care: add 2% of staff time accrued for ADLs through MH

Activities: add 2% of staff time accrued for ADLs through MH

MDS ITEMS AND ASSOCIATED STAFF TIMES

1) Base Social Work and Activity

Level		Unlicensed	Licensed	Social Worker	Activity
I	All Clients	0	0	5	10

2) Activities of Daily Living

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Level	Composite Scores	Unlicensed	Licensed	Social Worker	Activity
I	Composite 7-8	50	15		
II	Composite 9-11	62	19		
III	Composite 12-14	69	21		
IV	Composite 15-29	85	25		

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ADL Scoring Chart for the above Composite Levels

MDS values equal to “-” denote missing data.

ADL	MDS items	Description	Score
Bed Mobility	G1aA = - or G1aA = 0 or G1aA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1aA = 2.	Self-Performance = limited assistance	3
	G1aA = 3 or G1aA = 4 or G1aA = 8 AND G1aB = - or G1aB = 0 or G1aB = 1 or G1aB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
	G1aB = 3 or G1aB = 8.	Support = 2+ person physical assist Support = activity did not occur	5
	Transfer	G1bA = - or G1bA = 0 or G1bA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision
G1bA = 2.		Self-Performance = limited assistance	3
G1bA = 3 or G1bA = 4 or G1bA = 8 AND G1bB = - or G1bB = 0 or G1bB = 1 or G1bB = 2.		Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
G1bB = 3 or G1bB = 8.		Support = 2+ person physical assist Support = activity did not occur	5

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Locomotion	G1eA = - or G1eA = 0 or G1eA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1eA = 2.	Self-Performance = limited assistance	3
	G1eA = 3 or G1eA = 4 or G1eA = 8 AND G1eB = - or G1eB = 0 or G1eB = 1 or G1eB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
	G1eB = 3 or G1eB = 8.	Support = 2+ person physical assist Support = activity did not occur	5
Toilet	G1iA = - or G1iA = 0 or G1iA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1iA = 2.	Self-Performance = limited assistance	3
	G1iA = 3 or G1iA = 4 or G1iA = 8 AND G1iB = - or G1iB = 0 or G1iB = 1 or G1iB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
	G1iB = 3 or G1iB = 8.	Support = 2+ person physical assist Support = activity did not occur	5

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Dressing	G1gA = - or	Self-Performance = missing	1
	G1gA = 0 or	Self-Performance = independent	
	G1gA = 1.	Self-Performance = supervision	
	G1gA = 2.	Self-Performance = limited assistance	2
	G1gA = 3 or	Self-Performance = extensive assistance	3
	G1gA = 4 or	Self-Performance = total dependence	
	G1gA = 8.	Self-Performance = activity did not occur	
Hygiene	G1jA = - or	Self-Performance = missing	1
	G1jA = 0 or	Self-Performance = independent	
	G1jA = 1.	Self-Performance = supervision	
	G1jA = 2.	Self-Performance = limited assistance	2
	G1jA = 3 or	Self-Performance = extensive assistance	3
	G1jA = 4 or	Self-Performance = total dependence	
	G1jA = 8.	Self-Performance = activity did not occur	

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Eating	G1hA = - or G1hA = 0 or G1hA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1hA = 2.	Self-Performance = limited assistance	2
	G1hA = 3 or G1hA = 4 or G1hA = 8	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur	3
	Or		
	K5a = 1 or K5b = 1 and Intake = 1	Parenteral/IV in last 7 days Tube feeding in last 7 days See below	
	Where		
	Intake = 1 if		
	K6a = 3 or	Parenteral/enteral intake 51-75% of total calories	
	K6a = 4	Parenteral/enteral intake 76-100% of total calories	
	Or Intake = 1 if		
K6a = 2 and	Parenteral/enteral intake 25-50% of total calories		
K6b = 2 or	Average fluid intake by IV or tube is 501-1000 cc/day		
K6b = 3 or	Average fluid intake by IV or tube is 1001-1500 cc/day		
K6b = 4 or	Average fluid intake by IV or tube is 1501-2000 cc/day		
K6b = 5.	Average fluid intake by IV or tube is over 2000 cc/day		

3) Restorative Programs**Passive Range of Motion**

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Lev	MDS items	Description	Unl	Lic	SW	Act
	G4aA > 0 or	Any function limits in ROM of neck				
	G4bA > 0 or	Any function limits in ROM of arm				
	G4cA > 0 or	Any function limits in ROM of hand				
	G4dA > 0 or	Any function limits in ROM of leg				
	G4eA > 0 or	Any function limits in ROM of foot				
	G4fA > 0 or	Any function limits in ROM of other limitation or loss				
	G4aB > 0 or	Any function limits in voluntary movement of neck				
	G4bB > 0 or	Any function limits in voluntary movement of arm				
	G4cB > 0 or	Any function limits in voluntary movement of hand				
	G4dB > 0 or	Any function limits in voluntary movement of leg				
	G4eB > 0 or	Any function limits in voluntary movement of foot				
	G4fB > 0 or	Any function limits in voluntary movement of other limitation or loss				
	AND					
I	$3 \leq P3a \leq 5$	3 to 5 days of PROM rehab	10	6		
II	$6 \leq P3a \leq 7$	6 to 7 days of PROM rehab	15	6		

Active Range of Motion

Lev	MDS items	Description	Unl	Lic	SW	Act
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	G4aA,B > 0 or G4bA,B > 0 or G4cA,B > 0 or G4dA,B > 0 or G4eA,B > 0 or G4fA,B > 0 or AND	Any function limits in voluntary ROM or movement of neck Any function limits in voluntary ROM or movement of arm Any function limits in voluntary ROM or movement of hand Any function limits in voluntary ROM or movement of leg Any function limits in voluntary ROM or movement of foot Any function limits in voluntary ROM or movement of other limitation or loss				
I	$3 \leq P3b \leq 5$	3 to 5 days of AROM rehab	10	6		
II	$6 \leq P3b \leq 7$	6 to 7 days of AROM rehab	15	6		

Splint/Brace Assistance

Lev	MDS items	Description	Unl	Lic	SW	Act
I	$3 \leq P3c \leq 5$	3 to 5 days of assistance	10	6		
II	$6 \leq P3c \leq 7$	6 to 7 days of assistance	15	6		

Bed Mobility Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	$0 < G1aA < 8$ And $G7 = 1$	Need assistance in bed mobility Some or all ADL tasks broken into subtasks				
	AND					
I	$3 \leq P3d \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		

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II	$6 \leq P3d \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		
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Mobility (Transfer) Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	$0 < G1bA < 8$ And $G7 = 1$ AND	Need assistance in transfer Some or all ADL tasks broken into subtasks				
I	$3 \leq P3e \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		
II	$6 \leq P3e \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		

Walking Restorative

Lev	MDS items	Description	Unl	Lic	S W	Act
	$0 < G1cA < 8$ or $0 < G1dA < 8$ or $0 < G1eA < 8$ or $0 < G1fA < 8$ or And $G7 = 1$ AND	Any function limits in walking in room Any function limits in walking in corridor Any function limits in locomotion on unit Any function limits in locomotion off unit Some or all ADL tasks broken into subtasks				
I	$3 \leq P3f \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		
II	$6 \leq P3f \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		

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Dressing/Grooming Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	0 < G1gA < 8 And G7 = 1 AND	Need assistance in dressing Some or all ADL tasks broken into subtasks				
I	3 ≤ P3g ≤ 5	3 to 5 days of rehab or restorative techniques	10	6		
II	6 ≤ P3g ≤ 7	6 to 7 days of rehab or restorative techniques	15	6		

Eating Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	0 < G1hA < 8 or K1b = 1 And G7 = 1 AND	Need assistance in eating Has swallowing problem Some or all ADL tasks broken into subtasks				
I	3 ≤ P3h ≤ 5	3 to 5 days of rehab or restorative techniques	10	6		
II	6 ≤ P3h ≤ 7	6 to 7 days of rehab or restorative techniques	15	6		

Prosthetic Care

Lev	MDS items	Description	Unl	Lic	SW	Act
I	3 ≤ P3i ≤ 5	3 to 5 days of assistance	10	6		
II	6 ≤ P3i ≤ 7	6 to 7 days of assistance	15	6		

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Communication Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	C4 > 0 AND	Deficit in making self understood				
I	$3 \leq P3j \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		
II	$6 \leq P3j \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		

Other Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	Q1c= 1 or 2 And Q2 < 2 And P1ar = 1 AND	Stay projected to be within 90 days Improved or no change in care needs Provide training to return to community				
I	$3 \leq P3k \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		
II	$6 \leq P3k \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		

Continence

Lev	MDS items	Description	Unl	Lic	SW	Act
I	H3a = 1 And (H1b > 1 or	Any scheduled toileting plan Incontinent at least 2 or more times a week	22	3		

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	G1iA > 1)	Self-Performance = limited to total assistance		
II	H3b = 1 and H1b > 1 OR H3b = 1 and (H1b ≤ 1 and H4 = 1)	Bladder retraining program Incontinent at least 2 or more times a week Bladder retraining program for one quarter Residents continence has improved in last 90 days	22 22	8 8

4) Medical Services

Discharge Planning

Lev	MDS items	Description	Unl	Lic	SW	Act
I	Q1c= 1 or 2 And Q2 < 2 And P1ar = 1	Stay projected to be within 90 days Improved or no change in care needs Provide training to return to community		16	16	

End Stage Care

Lev	MDS items	Description	Unl	Lic	SW	Act
I	J5c = 1	End stage disease, 6 or fewer months to live Restoratives set to level '0' except AROM, PROM, Splint/Brace: limit of 4 quarters	10	12	8	

Pain Management

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Lev	MDS items	Description	Unl	Lic	SW	Act
I	J2a > 0 And J2b > 1	Demonstrate or complain of pain Moderate to excruciating intensity	4	8	1	1

Infectious Disease

Lev	MDS items	Description	Unl	Lic	SW	Act
I	I2a = 1 or I2b = 1 or I2i = 1 or I2k = 1 or I2e = 1 or I2g = 1 or I2l = 1 or I3 = ICD9 code 041.01,133.0	Antibiotic resistant infection Clostridium Difficile TB Viral Hepatitis Pneumonia Septicemia Wound Infection Streptococcus Group A, Scabies	18	17	1	

Acute Medical Conditions

Lev	MDS items	Description	Unl	Lic	SW	Act
I	J5b = 1 and P1ae = 1 and P1ao = 0 or (J5a= 1 and P1ao = 0 and P1ae = 1) and	Acute episode or flare-up of chronic condition Monitoring acute medical condition Not Hospice care Condition makes resident's cognitive, ADL, mood or behavior patterns unstable Not Hospice care Monitoring acute medical condition	1	23	1	

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(B5a = 2 or	Easily distracted over last 7 days
B5b = 2 or	Periods of altered perceptions or awareness of surroundings over last 7 days
B5c = 2 or	Episodes of disorganized speech over last 7 days
B5d = 2 or	Periods of restlessness over last 7 days
B5e = 2 or	Periods of lethargy over last 7 days
B5f = 2)	Mental function varies over course of day in last 7 days

Nutrition

Lev	MDS items	Description	Unl	Lic	SW	Act
I	K5h = 1	On a planned weight change program	4	3	1	
II	K5b =1 and	Tube feeding in last 7 days	0	22	1	
	Intake = 1	See below				
	Intake = 1 if					
	K6a = 3 or	Parenteral/ enteral intake 51-75% of total calories				
	K6a = 4	Parenteral/enteral intake 76-100% of total calories				
	Or Intake = 1 if					
	K6a = 2 and	Parenteral/enteral intake 25-50% of total calories				
	K6b = 2 or	Average fluid intake by IV or tube is 501-1000 cc/day				
	K6b = 3 or	Average fluid intake by IV or tube is 1001-1500 cc/day				

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K6b = 4 or	Average fluid intake by IV or tube is 1501-2000 cc/day
K6b = 5	Average fluid intake by IV or tube is over 2000 cc/day

Skin Care Programs – only the highest qualifying level of the moderate skin intensity or intensive skin care applies

Decubitus Prevention

Lev	MDS items	Description	Unl	Lic	SW	Act
	M3 = 1 or Any two of:	History of resolved ulcers in last 90 days	15	8		
	M5a	Pressure relieving device(s) for chair				
	M5b	Pressure relieving device(s) for bed				
	M5c	Turning or repositioning program				
	M5d	Nutrition or hydration intervention for skin				
	M5i	Other prevention for skin (other than feet)				

Moderate Skin Intensity Services or Ostomy Care Services

Lev	MDS items	Description	Unl	Lic	SW	Act
I	M1a > 0 or M1b > 0 or Any of:	Stage 1 ulcers Stage 2 ulcers Other Skin Problems (below):	5	10		
	M4a	Abrasions, bruises				
	M4b	Burns				
	M4c	Open lesions other than ulcers				

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NOTICE OF REQUEST FOR EXPEDITED CORRECTION

M4d	Rashes
M4e	Skin desensitized to pain or pressure
M4f	Skin tears or cuts (other than surgery)
M4g	Surgical wounds
And any of:	Skin Treatments (below):
M5a	Pressure relieving device(s) for chair
M5b	Pressure relieving device(s) for bed
M5c	Turning or repositioning program
M5d	Nutrition or hydration intervention for skin
M5e	Ulcer care
M5f	Surgical wound care
M5g	Application of dressings(other than feet)
M5h	Application of ointments(other than feet)
M5i	Other prevention for skin (other than feet)
OR	
(M6b = 1 or	Infection of the foot
M6c = 1) and	Open lesion of the foot
M6f = 1 or	And application of a dressing
P1af = 1	Provide ostomy care in last 14 days
	Set Intensive Skin Care Services to zero

Intensive Skin Care Services

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NOTICE OF REQUEST FOR EXPEDITED CORRECTION

Lev	MDS items	Description	Unl	Lic	SW	Act
II	M1c > 0 or M1d > 0 And any of: M5a M5b M5c M5d M5e M5f M5g M5h M5i	Stage 3 ulcers Stage 4 ulcers Skin Treatments (below): Pressure relieving device(s) for chair Pressure relieving device(s) for bed Turning or repositioning program Nutrition or hydration intervention for skin Ulcer care Surgical wound care Application of dressings (other than feet) Application of ointments (other than feet) Other prevention for skin (other than feet) Set Moderate Skin Intensity Services to zero	5	30		

IV Therapy

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1ac = 1 or K5a = 1	IV medication in last 14 days Nutrition via parenteral/IV in last 7 days	9	30		

Injections

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Lev	MDS items	Description	Unl	Lic	SW	Act
I	O3 > 0	Number of injections in last 7 days		6		

Oxygen Therapy

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1ag = 1	Oxygen therapy administered in last 14 days	9	15		

Extensive Respiratory Services

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1ai = 1 or P1aj = 1	Performed suctioning in last 14 days Administered tracheostomy care in last 14 days	15	30		

Hydration

Lev	MDS items	Description	Unl	Lic	SW	Act
I	H2b = 1 or Any two of: 1 ≤ O4e ≤ 7 I3 a,b,c,d,e = 276.5 I2j = 1 J1c = 1 J1d = 1 J1h = 1	Constipation Received a diuretic medication in last 7 days Volume depletion, dehydration Urinary Tract Infection in last 30 days Dehydrated Did not consume most fluids provided (3 days) Fever	15	7		1

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J1j = 1	Internal bleeding
And K5a,b = 0	Not have parenteral /IV or feeding tube

5) Mental Health Services – only the highest qualifying score of the three services applies

Psychosocial Adaptation Services

Lev	MDS items	Description	Unl	Lic	SW	Act
I	(P2a = 1 or P2b = 1 or P2c = 1 or P2d = 1) and Any E1a-p > 0 ⁴ or F1g = 1 or Any F2a-g = 1 or Any F3a-c = 1 or E4aA > 0 or E4bA > 0 or E4cA > 0 or E4dA > 0 or E4eA > 0 or	Behavior symptom evaluation Evaluation by licensed MH specialist within last 90 days Group therapy Resident specific changes to environment Indicators of depression No indicators of psychosocial well-being Any unsettled relationships Issues with past roles Wandering in last 7 days Verbally abusive in last 7 days Physically abusive in last 7 days Inappropriate or disruptive behavior in last 7 days Resisted care in last 7 days	12	6	8	2

Cognitive Impairment/Memory Assistance Services

Lev	Description	Unl	Lic	SW	Act
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II	Cognitive Performance Scale of \geq to 3	16	6	11	10
III	Cognitive Performance Scale of \geq to 5	21	11	16	15

Cognitive Performance Scale Codes

Scale	Description
0	Intact
1	Borderline Intact
2	Mild Impairment
3	Moderate Impairment
4	Moderate Severe Impairment
5	Severe Impairment
6	Very Severe Impairment

Impairment Count for the Cognitive Performance Scale

I code	MDS items	Description
		Note: None of B2a, B4, or C4 can be missing
IC 1	B2a = 1	Memory problem
IC 2	B4 = 1 or 2	Some dependence in cognitive skills
IC 3	$1 \leq C4 \leq 3$	Difficulty finding words to rarely or never understood

Severe Impairment Count for the Cognitive Performance Scale

I code	MDS items	Description
		Note: None of B2a, B4, or C4 can be missing
SIC 0	Below not met	
SIC 1	B4 = 2	Moderately impaired in cognitive skills
SIC 2	C4 = 2 or 3	Sometimes understood to rarely or never understood

Cognitive Performance Scale

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Scale	MDS items	Description
Coma	N1a = 0 and N1b = 0 and N1c = 0 and B1 = 1 and G1aA = 4 or 8 And G1bA = 4 or 8 And G1hA = 4 or 8 And G1iA = 4 or 8 And	Awake all or most of the time in the morning Awake all or most of the time in the afternoon Awake all or most of the time in the evening Is comatose Bed-Mobility Self-Performance = total dependence or did not occur Transfer Self-Performance = total dependence or did not occur Eating Self-Performance = total dependence or did not occur Toilet Use Self-Performance = total dependence or did not occur
6	Not (B4 = 0,1, 2)	Not have cognitive skills independent to moderately impaired
6	B4 = 3 And G1hA = 4 or 8	Cognitive skills severely impaired Eating Self-Performance = total dependence or did not occur
5	B4 = 3 And G1hA = - or ≤ 3	Cognitive skills severely impaired Eating Self-Performance = missing to extensive assistance
4	If IC code = 2 or 3 And SIC code = 2	Some dependence in cognitive skills Difficulty finding words to rarely or never understood Sometimes understood to rarely or never understood
3	If IC code = 2 or 3 And SIC code = 1 If IC code = 2 or 3	Some dependence in cognitive skills Difficulty finding words to rarely or never understood Moderately impaired in cognitive skills Some dependence in cognitive skills Difficulty finding words to rarely or never understood
2	And SIC code = 0	Better than moderate cognition skills and usually can be understood
1	If IC code = 1	Memory problem

Psychiatric Rehabilitation Services

Lev	MDS items	Description	Unl	Lic	SW	Act
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IV	I1dd = 1 or	Anxiety Disorder	20	10	20	
	I1ff = 1 or	Manic depression (bipolar)				
	I1gg = 1 or	Schizophrenia				
	J1e = 1 or	Delusions in last 7 days				
	J1i = 1	Hallucinations in last 7 days				
V	If above And		24	12	30	5
	E4aA > <u>10</u> or	Wandering in last 7 days				
	E4bA > <u>10</u> or	Verbally abusive in last 7 days				
	E4cA > <u>10</u> or	Physically abusive in last 7 days				
	E4dA > <u>10</u> or	Inappropriate or disruptive behavior in last 7 days				
	E4eA > <u>10</u> or	Resisted care in last 7 days				

6) Special Patient Need Factors**Communication**

Count	MDS items	Description	Staff Minutes
I	C4 > 0 or	Deficit in making self understood	1% of all staff time accrued in all categories from ADLs through Mental Health
	C6 > 0	Deficit in understanding others	

Vision Problems

Count	MDS items	Description	Staff Minutes
I	D1 > 0 or	Vision impaired to Severely impaired	2% of all staff time accrued in all categories from ADLs through Mental Health
	D2a = 1 or	Decreased peripheral vision	

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D2b = 1	Experience halos around lights, light flashes
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Accident/Fall Prevention

Count	MDS items	Description	Staff Minutes
I	G3a > 0 or G3b > 0 or J4a = 1 or J4b = 1 or	Unable to maintain position as required for balance test while standing Unable to maintain position as required for balance test while sitting Fell in past 30 days Fell in past 31 – 180 days	3% of all staff time accrued in all categories from ADLs through Mental Health
	J1n = 1 or E4aA > 0	Has unsteady gait Wandered in last 7 days	

Restraint Free

Count	MDS items	Description	Staff Minutes
I	P4c > 1 or P4d > 1 or P4e > 1	In last assessment: Used trunk restraint daily in last 7 days Used limb restraint daily in last 7 days Used chair that prevents rising daily in last 7 days	2% of all staff time accrued in all categories from ADLs through Mental Health

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	And	And in current assessment:
	P4c = 0 and	Not used trunk restraint in last 7 days
	P4d = 0 and	Not used limb restraint in last 7 days
	P4e = 0	Not used chair that prevents rising in last 7 days

Activities

Count	MDS items	Description	Staff Minutes
I	N2 = 0 or 1 and (G6a = 1 or C4 > 1 or C6 > 1 or E1o > 0 or (AA3-A3a) / 365.25 ≤ 50 or E1p > 0 or	Involved in activities more than 1/3 of time Bedfast all or most of the time Sometimes or rarely or never understood Sometimes or rarely or never understands others Withdraws from activities of interest more than 5 days a week Resident is 50 years of age or younger at the time of the assessment reference date Reduced social interaction	2% of all staff time accrued in all categories from ADLs through Mental Health

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E4aA > 0 or	Wandering in last 7 days
E4bA > 0 or	Verbally abusive in last 7 days
E4cA > 0 or	Physically abusive in last 7 days
E4dA > 0 or	Inappropriate or disruptive behavior in last 7 days
E4eA > 0 or	Resisted care in last 7 days
G4bB > 0 or	Limited ROM voluntary movement of arm
G4cB > 0 or	Limited ROM voluntary movement of hand
G4dB > 0) or	Limited ROM voluntary movement of leg
E2 > 0 and	Indicators of being depressed
(E1a > 0 or	Made negative statements
E1n > 0 or	Makes repetitive physical movements
E4eA > 0 or	Resisted care in last 7 days
E1o > 0 or	Withdraws from activities of interest more than 5 days a week
E1p > 0 or	Reduced social interaction

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E1j > 0 or	Unpleasant mood in morning more than 5 days a week
N1d > 0 or	Not awake all or most of the time
N1a,b,c ≤ 1 and	Not awake all or most of the time
B1 = 0) or	Not comatose
E1g > 0 or	Repeated statements that something terrible will happen
K3a = 1	Weight loss (5% in 30 days or 10% in 180 days)

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

DEPARTMENT OF CORRECTIONS

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: County Jail Standards
- 2) Code Citation: 20 Ill. Adm. Code 701
- 3) Register Citation to Notice of Proposed Rules:

28 Ill. Reg. 55; January 2, 2004

- 4) Date, Time, and Location of Public Hearing:

Thursday, February 19, 2004
10:00 a.m.
Illinois Department of Corrections
Conkle Hall Auditorium
1301 Concordia Court
Springfield, Illinois 62794-9277

- 5) Other Pertinent Information:

Information and questions regarding this public hearing shall be directed to:

Beth Kiel
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666 ext. 6512

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 20, 2004 through January 26, 2004 and have been scheduled for review by the Committee at its February 18, 2004 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
3/5/04	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	12/1/03 27 Ill. Reg. 17970	2/18/04
3/6/04	<u>Department of Public Aid</u> , Medical Assistance Programs (89 Ill. Adm. Code 120)	11/14/03 27 Ill. Reg. 17193	2/18/04
3/6/04	<u>Department of Public Aid</u> , Child Support Enforcement (89 Ill. Adm. Code 160)	10/10/03 27 Ill. Reg. 15688	2/18/04
3/7/04	<u>State Board of Education</u> , Standards for Certification in Specific Teaching Fields (23 Ill. Adm. Code 27)	11/7/03 27 Ill. Reg. 17017	2/18/04
3/7/04	<u>State Board of Education</u> , Pupil Transportation Reimbursement (23 Ill. Adm. Code 120)	11/7/03 27 Ill. Reg. 17039	2/18/04

ATTORNEY GENERAL

JANUARY 2004 REGULATORY AGENDA

a) Part (Heading and Code Citation): Statewide Automated Victim Notification System, 20 Ill. Adm. Code 2000

1) Rulemaking: Proposed rules

A) Description: The proposed rules will address the implementation of and participation in a statewide automated victim notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses. The rules will set out the scope and design of the system and the procedures, requirements, and standards for participation.

B) Statutory Authority: Rights of Crime Victims and Witness Act (725 ILCS 120/8.5).

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: February, 2004

E) Effect on small businesses, small municipalities or not for profit corporation: The rules should not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Jennifer Kuhn, Chief
Crime Victim Services Division

Address: Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601

Telephone: (312) 814-1427

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): This will be a new part to be headed "Crime Victims Compensation" and assigned to 74 Ill. Adm. Code 500.

1) Rulemaking: Proposed Rules

A) Description: The Attorney General intends to propose rules to implement the Crime Victims Compensation Act (740 ILCS 45). The rules will cover

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such matters as outreach, applications, extensions, claim investigation and approval, appeals, representation, subrogation, and enforcement.

- B) Statutory Authority: Section 4.1 of the Crime Victims Compensation Act (740 ILCS 45/4.1).
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: June, 2004
- E) Effect on small businesses, small municipalities or not for profit corporation: Allows not for profit legal agencies to fully understand the Attorney General's investigative process when such agencies represent claimants under the Act.
- F) Agency contact person for information:
 - Name: Jennifer Kuhn, Chief
Crime Victim Services Division
 - Address: Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
 - Telephone: (312) 814-1427
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC AID

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- a) Part: General Administrative Provisions (89 Ill. Adm. Code 101)
- 1) Rulemaking
- A) Description: The Department plans to propose a new rulemaking to permit the Director to issue shields or other distinctive identification to employees, who are not exercising the powers of a peace officer, if the Director determines that a shield or distinctive identification is needed by the employees to carry out their responsibilities.
- B) Statutory Authority: Implementing Articles I, II and VIII A, and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I, II and VIII A and 12-13] (and anticipated new legislation)
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when a Notice of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this Regulatory Agenda.
- F) Agency contact person for information:
Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081
- b) Part: Practice in Administrative Hearings (89 Ill. Adm. Code 104)
- 1) Rulemaking:

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- A) Description: A new rule is planned to propose expansion of the length of termination of Medicaid vendors for health care fraud convictions.
 - B) Statutory Authority: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25(D) and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25(D) and 12-13]
 - C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
 - D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
 - E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
 - F) Agency contact person for information:
Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081
- b) Part: Medical Assistance Programs (89 Ill. Adm. Code 120)
- 1) Rulemaking:
 - A) Description: The Department plans to propose amendments to prohibit Recipient Restriction Program (RRP) clients from enrolling in a health Maintenance Organization (HMO).

Public Act 93-0163 created a Medicaid Buy-In Revolving Fund into which premium payments collected through the Buy-In would be kept. The Department will propose

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amendments pursuant to the Act to describe how the fund will be spent, which generally may include both program services and operations.

The Department plans to propose changes concerning persons with breast or cervical cancer to extend coverage under the Medical Assistance Program to include certain precancerous conditions. Other changes will exempt this coverage group from estate claims.

Further amendments will pertain to asset transfers for persons residing in Medicaid funded long term care facilities.

The Department intends to recodify the rule for the Medically Fragile Technology Dependent Waiver Program from 89 Ill. Adm. Code 140.645, Medical Payment, to a more appropriate new Section under 89 Ill. Adm. Code 120, Medical Assistance Programs (Subpart I: Special Programs). The new Section will be updated to correlate with the current federal waiver under which the program operates.

A new rule will be promulgated to implement a pre-pay spenddown program in Illinois. Currently the only way for a client to meet spenddown is to provide copies of medical bills or receipts to an eligibility worker. Under the planned rule, a client will also be able to meet his or her spenddown by sending a payment to the Department. This will allow persons to meet spenddown and have medical coverage before the start of the month.

The Department plans to amend existing rules to clarify that the amount of the medical expense that can be used to meet spenddown for persons receiving services from a DHS funded community-based medical or rehabilitative agency is the usual, customary, or competitive rate as established by the community-based provider.

The Department plans to proposed rulemaking to begin presumptive eligibility for children during the latter half of the State fiscal year 2004. Presumptive eligibility allows children to have immediate health insurance coverage while their application for KidCare is being reviewed. This will allow children to access needed medical care without delay while health insurance is being arranged.

- B) Statutory Authority: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and Public Act 93-0163

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- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
 - D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
 - E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
 - F) Agency contact person for information:
Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081
- c) Part: Medical Payment (89 Ill. Adm. Code 140)
- 1) Rulemaking:
 - A) Description: Clarifications will be proposed that in all cases where a vendor has previously been terminated or barred from the Medical Assistance Program, said vendor has the burden of proof at any hearing regarding his re-application for entry into the Program.
- New provisions are planned that state the Department may, in its discretion, utilize available, recognized computer software programs when verifying the billed mileage for reimbursement to non-emergency transportation providers.
- Amendments will be proposed to clarify the Department's relationship with alternate payees. The changes will require alternate payees to enroll with the Department; permit the Department to terminate, suspend, or bar

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the eligibility of alternate payees; further limit the circumstances under which individual vendors could utilize alternate payees; further restrict the types of entities which would be permitted to serve as alternate payees; and provide that alternate payees would have joint and several liability with vendors for any violations of the Public Aid Code or Department regulations.

Amendments are planned to provide that an entity that has been terminated, suspended, or barred by the Department, may not, while such sanction remains in effect, serve as a billing agent of a vendor.

A new rule is planned that authorizes the Department to require vendors of non-emergency transportation services to post a surety bond. The new provisions will establish the criteria and requirements on when a bond must be posted, as well as the value of the bond.

Proposed changes are planned concerning the assessment rules to clarify that penalties will be collected each monthly period and that the collection period liability will be narrowed from 45 days to 30 days.

The Department plans to propose amendments regarding record requirements for pharmacies. The rule would eliminate the requirement for pharmacies to maintain the name of the person to whom a prescription is prescribed on the signature log (HIPAA issue); make one signature sufficient when picking up multiple prescriptions for a single individual; permit pharmacies to utilize optical scanner bar technology as an alternative to maintaining a signature log; and permit those pharmacies which provide drugs via mail order to use a shipping log as an alternative to the signature log.

Changes will be proposed regarding criminal background checks on non-emergency transportation providers. The rule will require the submission or updating of criminal background checks from non-emergency transportation providers only if requested by the Department. In addition, the changes will exempt transportation providers enrolled as privately owned autos and government agencies.

An amendment will be proposed to expand the length of termination of Medicaid vendors for health care fraud convictions to five years or the length of the vendor's sentence, whichever is longer, for the first offense

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and lifetime for the second offense.

An amendment will be proposed to establish 180-day probationary enrollment of non-emergency transportation vendors during which time the Department may terminate the provider's eligibility to participate in the Medical Assistance Program without cause. Another amendment would require vendors whose investor ownership has changed by more than 50 percent from the date the vendor was initially approved for enrollment in the Medical Assistance Program to submit a new application for enrollment in the Program. The amendment will further be amended to permit the Department to periodically require classes of providers to re-enroll in the Medical Assistance Program and to dis-enroll those providers that fail to submit requested updated enrollment information. Also, the Department will propose definitions for the terms "non-emergency transportation vendor" and "management responsibility".

Several amendments will be proposed to permit the Department, in certain situations, to refuse to accept prior approval and post approval requests and cancel existing prior approvals for specific transportation vendors. Another amendment will decrease the time frame in which a non-emergency transportation vendor may request post approval for a service that requires a prior approval. This change will also permit vendors' post approval requests to be made to agents of the Department.

Proposed amendments are planned regarding the In-Home Care Program to reflect a more complete list of programs, including the University of Illinois Chicago Division of Specialized Services for Children (medically fragile, technology dependent children), and to provide updates on current agency names.

The Department plans to propose rulemaking to amend the current provisions on audits to allow vendors 45 days to respond to audit findings, to allow additional documentation for reaudit and to provide that only one reaudit will be conducted. If a response is not received, the matter will be referred for administrative hearing to recover the amounts sought.

A new rule is planned to implement an 1115 Medicaid demonstration project for family planning services approved by the Centers for Medicare and Medicaid Services. This new Section will describe the medical services the Department will reimburse for women covered under the demonstration project. The eligible population will be described in a new rule under

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89 Ill. Adm. Code 120.

A new rule is planned to implement changes made to the Alternative Health Care Delivery Act [210 ILCS 3/35]. The new rule will establish the conditions a Children's Community-Based Health Care Center must meet in order to participate in the Medicaid Program; outline the services provided by the Children's Community-Based Care Center; and, describe the Department's reimbursement for those services.

Another new rule is planned to implement the Illinois Children's Mental Health Act (Public Act 93-0495). The new provisions will establish the criteria and reimbursement for intensive community-based mental health services (screening, assessment and support services (SASS)) and a crisis referral hotline. Additionally, provisions will be proposed to align the rule with 59 Ill. Adm. Code 132, Department of Human Services' rules governing the provision of behavioral health services.

The Department intends to propose changes to the process for determining whether prior approval is required for reimbursement of specific drugs.

Proposed

amendments are planned to broaden the scope of organizations with whom the Department will consult in determining which drugs require prior approval.

- B) Statutory Authority: Section 1915(c) of the Social Security Act (42 USC 1396n(c)) (Federal Waiver Authority) and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13, the Alternative Health Care Delivery Act [210 ILCS 3/35], and the Illinois Children's Mental Health Act [305 ILCS 5/5-5.23] (and anticipated new legislation)
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit

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corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:
Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

G) Related rulemakings and other pertinent information: None

d) Part: Specialized Health Care Delivery systems (89 Ill. Adm. Code 146)

1) Rulemaking:

A) Description: The Department intends to propose changes regarding dental services performed in Ambulatory Surgical Treatment Centers (ASTCs) or outpatient hospital settings.

The Department plans to propose amendments relating to Supportive Living Facilities (SLFs). Because of program growth, additional requirements and clarifying provisions will be added to the rules.

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

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking

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may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:
Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

G) Related rulemakings and other pertinent information: None

e) Part: Hospital Services (89 Ill. Adm. Code 148)

1) Rulemaking:

A) Description: The Department intends to propose changes regarding dental services performed in outpatient hospital settings or Ambulatory Surgical Treatment Centers (ASTCs).

Proposed amendments are planned for the transfer of the Hemophilia Program from Department of Human Services to the Department. The Illinois Hemophilia Program pays only for Illinois residents that have financially qualified for the Program. The Program is a payer of last resort: after Medicare and/or private insurance, after other government agencies, and after a patient's determined participation fee, if applicable, and if the patient is not eligible for public assistance at the time of the service being billed. The Department has operated this program since July 1998.

The Department intends to propose changes to clarify existing practices relating to filing hospital cost reports.

Amendments will be filed to provide additional fiscal year 2004 budget implementation changes. Hospital reimbursement levels will be increased under Safety Net Adjustment Payments to provide additional funding to

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high volume Medicaid funded hospitals that provide necessary trauma and psychiatric care services.

- B) Statutory Authority: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13]
 - C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
 - D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
 - E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
 - F) Agency contact person for information:
Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081
 - G) Related rulemakings and other pertinent information: None
- f) Part: Child Support Enforcement (89 Ill. Adm. Code 160)
- 1) Rulemaking:
 - A) Description: A new Section is planned to establish that each year, a State's Attorney, in cooperation with the appropriate county officials, may submit to the Department a Plan for a Unified Child Support Services Program that includes all of the components set forth in Section 15 of

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Public Act 92-876 and that includes a projected budget of the necessary and reasonable direct and indirect costs for operation of the Program. The Plan may provide for phasing in the Program with different implementation dates.

- B) Statutory Authority: Implementing and authorized by Sections 4-1.7 and 5/10-3, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, 5/10-3, Art. X, 12-4.3 and 12-13], the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], and the Unified Child Support Services Act [750 ILCS 24/1]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081
- G) Related rulemakings and other pertinent information: None

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

**NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$2,500 against ANB Mortgage Company, License No. 4802 of Evanston, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 13, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

**NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000 against The Investment Mortgage Group, License No. 6249 of Skokie, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 7, 2004.

PROCLAMATIONS

2004-10**Go Red For Women Day**

WHEREAS, cardiovascular diseases (CVD) claim the lives of more than half a million women annually; and

WHEREAS, across the country, one in five women has some form of heart disease; and

WHEREAS, it is critical to empower women and increase their awareness of steps they can take to reduce their risk of heart disease; and

WHEREAS, February is American Heart Month, and, throughout the month, it is important for women to learn the warning signs of a heart attack, as well as the steps they can take to prevent heart disease; and

WHEREAS, the American Heart Association works hard to advance groundbreaking medical research, spread lifesaving knowledge and reach out to people of all ages; and

WHEREAS, along with its many partners, the American Heart Association is creating healthier communities that are safe from the devastation of heart disease and stroke, and ensuring stronger, longer lives for citizens of this country; and

WHEREAS, Illinois is pleased to join the American Heart Association in asking our citizens to “Go Red for Women” on February 6, 2004, to show their support for women fighting heart disease and, to raise awareness about the number one cause of death for women in our state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2004 as GO RED FOR WOMEN DAY in Illinois, and urge all citizens, especially women, to familiarize themselves with the signs, symptoms and treatments for CVD, so that we might begin to reduce the devastating impact it has upon our population.

Issued by the Governor January 16, 2004.

Filed by the Secretary of State January 23, 2004.

2004-11**Women of Vision Day**

WHEREAS, in Illinois alone, there are more than 150,000 people, age forty and over, who have some form of vision impairment, including blindness; and

WHEREAS, Prevent Blindness America was founded in 1908 and is the nation’s leading volunteer eye health and safety organization dedicated to fighting blindness and saving sight; and

WHEREAS, Prevent Blindness America touches the lives of millions of people each year through public and professional education, certified vision screening training, community and patient service programs and research; and

WHEREAS, in a special celebration of the many outstanding, visionary women in Illinois who support their mission, Prevent Blindness America bestows the “Women of Vision” honor on worthy recipients at an annual awards event; and

PROCLAMATIONS

WHEREAS, this year, the “Women of Vision” ceremony will honor Ms. Evelyn Echols and The Honorable Sara Feigenholtz, two Illinois women renowned in their respective fields; and

WHEREAS, Ms. Evelyn Echols is a published author, entrepreneur and Chicago socialite, with age-related macular degeneration, who, at the age of 88, has just launched a pilot program for inner-city Chicago high school students, training them for careers in the travel and hospitality industry; and

WHEREAS, The Honorable Sara Feigenholtz, a fifth term member of the Illinois House of Representatives from the 12th District, has been a champion of health care causes, most recently sponsoring a bill for a vehicle registration and drivers license \$1.00 check-off to benefit a Blindness Prevention Fund:

THEREFORE, I, Rod Blagojevich do hereby proclaim February 4, 2004 as WOMEN OF VISION DAY in Illinois, and encourage all citizens to recognize and appreciate the work of Prevent Blindness America, as well as the extraordinary efforts of Ms. Evelyn Echols and The Honorable Sara Feigenholtz.

Issued by the Governor January 21, 2004.

Filed by the Secretary of State January 23, 2004.

2004-12**AMBUCS™ Visibility Month**

WHEREAS, AMBUCS™ is a national service organization composed of a diverse group of men and women dedicated to creating opportunities for people with disabilities to become more independent. Their services include performing community service, providing AmTryke® therapeutic tricycles to children with disabilities, and providing scholarships for therapists; and

WHEREAS, there are more than 6,000 members of AMBUCS™ spanning fifteen states, who work diligently to provide programs such as AMBUCS™ Scholars – Scholarships for Therapists and AmBility™; and

WHEREAS, the AMBUCS™ Scholars program has provided over \$6 million to educate physical and occupational therapists; and

WHEREAS, AmBility™ is a program that focuses on providing AmTryke® therapeutic bicycles to children with disabilities and building ramps to create handicap-accessible homes and businesses; and

WHEREAS, there are fifteen AMBUCS™ organizations in the state of Illinois who partner with such organizations as the Special Olympics and Easter Seals; and

WHEREAS, National AMBUCS™, Inc. has set aside February as National Visibility Month to recognize the hard work accomplished by AMBUCS™ organizations across the country:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2004 as AMBUCS™ VISIBILITY MONTH in Illinois.

Issued by the Governor January 21, 2004.

Filed by the Secretary of State January 23, 2004.

ILLINOIS ADMINISTRATIVE CODE

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