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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Number</u> :	<u>Proposed Action</u> :
1.720	Amendment
1.737	Amendment
1.Appendix A	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking consists almost entirely of technical corrections that are needed to ensure continuity in certification policy. When the personnel-related portions of Part 1 were most recently amended (effective June 1, 2004), no changes were intended in the requirements for serving in the middle grades. However, by virtue of the way the various rules work together, the specific lists of required coursework for teachers whose fields are reading or library/media science became inapplicable and were not replaced. We therefore have identified a need to amend Section 1.720 by restating the specific topics that the required 18 hours in the field must address.

Similarly, in the recent amendment process several long-standing requirements for the assignment of teachers in career and technical education programs were inadvertently omitted. These details, which chiefly have to do with the requirement for work experience in the field to be taught, need to be added to new Section 1.737, which discusses the minimum requirements for various assignments. The wording change in the title and in subsection (a) of Section 1.737 is being made only to ensure that it is clear that the requirements expressed apply to grade 9 regardless of the configuration of grades among schools in a district.

Finally, the chart presented in Appendix A should have included both the old and the new specifications for the provisional vocational and temporary provisional certificates (since the previously issued K-12 certificates do continue to be valid if properly registered), as well as the interim certificate for school counselor interns.

The only policy change being made via Appendix A is to re-amend the validity of the provisional vocational certificate. The amendments that took effect on June 1 of this year included a change in the validity of both the provisional vocational certificate and the temporary provisional vocational certificate from K-12 to grades 11 and 12 only. The difficulties caused by that change were not noted during the public comment period but

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have now come to our attention. Educators in the field as well as representatives of the regional superintendents who deal with certification issues have indicated that smaller districts in particular will be unable to offer career and technical education programs if they are required to employ different staff for exploration and orientation (which occur in grades 7 through 10) than for the “skill-level” instruction that is provided in grades 11 and 12.

We concur that individuals who meet the requirements for the provisional vocational certificate generally have sufficient educational preparation, in addition to their career background, to enable them to introduce students in grades 7 and above to the fields addressed in career and technical education. However, we have determined that the temporary provisional vocational certificate, for which the requirements are less stringent, should continue to be valid only for grades 11 and 12 and limited to skill-level instruction in the specific field of endorsement.

Also reflected in Appendix A is a change in the validity of the initial certificate. P.A. 93-679, signed into law on June 30 of this year, added a stipulation that the initial certificate, which was previously not renewable, would be renewable without limitation until the certificate-holder acquires four years of teaching experience.

- 6) Will these proposed amendments replace any emergency amendments currently in effect?
Yes
- 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 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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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: The need for these technical corrections was not foreseen.

The text of the Proposed Amendments is identical to the text of the Emergency Amendments on page 13637 of this issue of the *Illinois Register*.

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- 1) Heading of the Part: Approval of Voting Systems
- 2) Code Citation: 26 Ill. Adm. Code 204
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
204.10	Amend
204.20	Amend
204.30	Amend
204.40	Amend
204.50	Amend
204.55	New
204.60	Amend
204.70	Amend
204.75	New
204.80	Amend
204.90	Amend
204.100	Amend
204.110	Amend
204.120	Amend
204.130	Amend
204.140	Amend
204.150	Repeal
204.160	Amend
204.170	Amend
- 4) Statutory Authority: Implements Articles 23-15.1, 24A, 24B and 24C of the Illinois Election Code [10 ILCS 5/23-15.1, 5/24A, 5/24B and 5/24C] and authorized by Article 1A, Section 8(9) and Article 23-15.1 of the Illinois Election Code [10 5/1A-8(9) and 5/23-15.1]
- 5) A Complete Description of the Subjects and Issues Involved:

Section 204.10 General Provisions
Citations are being updated.

Section 204.20 Definitions
This Section defines the various components that constitute the computer code that is required to be submitted to the State Board of Elections.

Section 204.30 Jurisdiction Profile

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Grammatical changes are being made.

Section 204.40 Criteria for Approval of Voting Systems

The reference to straight party voting in subsection (a)(2) is being deleted, as this method is no longer authorized by statute. Deletes subsection (a)(7) as this provision is outdated.

Section 204.50 Application for Approval of Voting Systems

Subsection (a)(5) is being amended to require that the applicant's e-mail address be submitted with the application information. Adds a new subsection (b) that requires the applicant to provide, as part of the approval application, the necessary computer code needed for verification. Subsection (e) exempts voting system vendors from any expenses incurred by the State Board of Elections related to computer code storage and security.

Section 204.55 Provision of the Voting System Computer Code

Subsection (a) describes which voting system vendors are required to submit their computer code to the State Board of Elections and states the deadlines for submission of the computer code to the Board and the consequences of failing to meet such deadlines. Subsection (b) defines how the computer code is stored and secured, along with who will have access to it. There shall be a current log consisting of an inventory of the contents of the secure location as well as an electronic duplicate of such log maintained by and accessible only to designated staff of the State Board of Elections. Subsection (c) requires that a log be created and describes the contents of this log for the purpose of maintaining a chain of custody procedure for ensuring security of the computer code for the duration of its possession by the State Board of Elections. This subsection (c) also requires a separate chain of custody log be kept for any computer codes copied pursuant to a court order in a pending election contest. Subsection (d) conditions the release of a vendor's computer code upon an order of a judge or other tribunal overseeing an election contest and limits the released code to that which is actually used in the jurisdiction in which the election contest applies. The State Board of Elections must give requisite notice to the vendor if the code is so ordered to be released. Subsection (e) allows the State Board of Elections to choose the medium in which the computer code shall be submitted. The vendors are required to provide a list to the State Board of Election detailing the contents of their submissions, as well as updated lists of which jurisdictions are using their codes prior to each election. The vendors must also supply an updated list to the State Board of Elections upon any modification of the code. In addition the State Board of Elections is prohibited from reproducing such computer code unless directed by a court order. Subsection (f) requires the Executive Director of the State Board of Elections to designate the staff involved in the above referenced chain of custody

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procedures. Subsection (g) defines when and how the computer code is returned to the vendor and the consequences of its non-receipt by the vendor.

Section 204.60 Preliminary Determination and Review of the Proposed Voting Systems
Grammatical changes are being made.

Section 204.70 Full Review Procedures
Grammatical changes are being made.

Section 204.75 Review and Verification of Computer Code
The State Board of Elections is required to periodically review and verify that all voting systems' computer codes used in Illinois elections are currently on file with the State Board of Elections.

Section 204.80 Hearing to Consider Staff Review Report
Grammatical changes are being made.

Section 204.90 Interim Approval of Voting Systems
Grammatical changes are being made.

Section 204.100 Final Approval of Voting Systems
Grammatical changes are being made.

Section 204.110 Refusal to Grant Approval of Voting Systems
Grammatical changes are being made.

Section 204.120 Withdrawal of Approval of Voting Systems
Subsection (a) is adding the failure to provide the computer code or its non-use for a period of 23 months as grounds for the withdrawal of approval of a voting system. Subsection (d) is being deleted as it refers to a requirement that had to be met prior to July 1, 1999.

Section 204.130 Subsequent Modification of Voting Systems
Provision of the computer code as part of a vendor's application for approval following a voting system's modification is being required.

Section 204.140 Monitoring of Voting System
The 10% limit on the number of precincts subject to a special test is being repealed as the State Board of Elections is no longer under such a limitation.

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Section 204.150 Voting Systems in Use on the Effective Date of this Part

This Section is being deleted as it applied to voting systems used prior to July 3, 1978.

Section 204.160 Emergency Approval of a Voting System

Grammatical changes are being made.

Section 204.170 Jurisdiction of Election Authority over Voting System's Personnel

Grammatical changes are being made.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendment does not require expenditures by units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may represent their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to the:

State Board of Elections
Steven S. Sandvoss, Deputy General Counsel
1020 S. Spring St.
Springfield, IL 62708
217-557-9939
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that currently, or may in the future, supply voting systems to Illinois election authorities as defined in 10 ILCS 5/1-3(8) designed to accept and tabulate ballots cast and the votes contained on such ballots.
 - B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: Computer proficiency is necessary for compliance with the Proposed Amendments.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the July 1, 2004 regulatory agenda because: It was not certain that the amendments would be submitted for publication within the following 6 months. These amendments were in a continuous state of revision and it was thought best to withhold a regulatory agenda given the uncertainty of the amendments submission.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 204

APPROVAL OF VOTING SYSTEMS

Section	
204.10	General Provisions
204.20	Definitions
204.30	Jurisdiction Profile
204.40	Criteria for Approval of Voting Systems
204.50	Application for Approval of Voting Systems
204.55	Provision of the Voting System Computer Code
204.60	Preliminary Determination and Review of the Proposed Voting Systems
204.70	Full Review Procedures
204.75	Review and Verification of Computer Code
204.80	Hearing to Consider Staff Review Report
204.90	Interim Approval of Voting Systems
204.100	Final Approval of Voting Systems
204.110	Refusal to Grant Approval of Voting Systems
204.120	Withdrawal of Approval of Voting Systems
204.130	Subsequent Modification of Voting Systems
204.140	Monitoring of Voting Systems
204.150	Voting Systems in Use on the Effective Date of this Part These Rules (Repealed)
204.160	Emergency Approval of a Voting System
204.170	Jurisdiction of Election Authority over Voting System's Personnel
204.180	Number of Voting Booths

AUTHORITY: Implementing Section 23-15.1 and Articles 24A, 24B and 24C, and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/23-15.1, Art. 24A, Art. 24B, Art. 24C, 1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; codified at 6 Ill. Reg. 7216; amended at 9 Ill. Reg. 10733, effective July 1, 1985; amended at 11 Ill. Reg. 18655, effective October 30, 1987; amended at 15 Ill. Reg. 18144, effective December 9, 1991; amended at 23 Ill. Reg. 3943, effective March 19, 1999; amended at 28 Ill. Reg. _____, effective _____.

Section 204.10 General Provisions

Pursuant to Sections 24A-16 and 24A-17 of ~~the~~The Election Code [\[10 ILCS 5/24A-16 and 24A-17\]](#), ~~(Ill. Rev. Stat. 1983, ch. 46, pars. 24-1 et seq.)~~ no voting system shall be used in this State

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unless approved for use by the State Board of Elections in accordance with this Part.

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

Section 204.20 Definitions

"Applicant" is any individual, public official, public body, trust, partnership, committee, association, corporation, vendor, user or any other organization or group of persons seeking to use or market any voting system or voting system component.

"Computer Code" consists of, but is not limited to, ballot counting source code, table structures, modules (compiled source code), program narratives, installation instructions, operations instructions, data flows, deployment platforms, compatibility considerations for hardware, software and firmware, and any other documentation relevant to the structure and operation of the ballot counting system.

"Preliminary Review" shall consist of a full technical and procedural review of the proposed voting system component and of no more than three ~~(3)~~ different and separate preaudited ballot counting tests created by the Board's staff. The purpose of such review and testing is to determine the proposed system's ability to adhere to ballot management procedures required by statute and rule and to tabulate ballots and report results as prescribed by the Election Code [10 ILCS 5]; Ill. Rev. Stat. 1989, ch. 46, pars. 1-1, et seq.

"User" is any individual, public official, public body, trust, partnership, committee, association, corporation or any other organization or group of persons owning, using, or contracting for the purchase or use of any voting system or voting system ~~component~~component(s) involved in the election process.

"Vendor" is any individual, trust, partnership, committee, association, corporation or any other organization or group of persons contracting to supply any voting system or voting system ~~component~~component(s) involved in the election process.

"Voting System" or "Electronic Voting System" means that combination of equipment and programs used in the casting, examination and tabulation of ballots and the cumulation and reporting of results by electronic means.

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

Section 204.30 Jurisdiction Profile

The Board shall develop and maintain for each election jurisdiction a jurisdiction profile ~~that~~ which will be used to assess a voting system's capability to be utilized and maintained in the proposed election jurisdiction. The profile shall consist of information such as:

- a) Demographic characteristics ~~that~~ which shall specify at a minimum the population size, densities, and characteristics.
- b) Jurisdiction characteristics ~~that~~ which shall specify at a minimum the number of registered voters; geographical size; computer facilities; availability of support functions; polling place locations and facilities; number of precincts; registered voters per precinct; average voter turnout; a record of voting system performance for each election; ratio of voters to machines/devices; type of tabulation activity; ballot size; complexity; and configurations; number of qualified parties; number of primaries; number of elections per year; turnaround time between elections; and ballot rotation sequence difference.

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

Section 204.40 Criteria for Approval of Voting Systems

- a) A full review of **each** voting system shall be conducted to ensure that no voting system shall be approved unless it fulfills the following requirements as set forth in Section 24A-16 of the Election Code:
 - 1) *It enables a voter to vote in absolute secrecy;*
 - ~~2) *It enables a voter to vote a straight party ticket;*~~
 - ~~2)3) *It enables a voter to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all parties, and in part from independent candidates and in part of candidates whose names are written in by the voter;*~~
 - ~~3)4) *It enables a voter to vote a written or printed ticket of his own selection for any person for any office for whom he may desire to vote;*~~

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~~4)5)~~ *It will reject all votes for an office or upon a proposition when the voter has cast more votes for such office or upon such proposition than he is entitled to cast;*

~~5)6)~~ *It will accommodate all propositions to be submitted to the voters in the form provided by law or, where no such form is provided, then in brief form, not to exceed 75 words.*

~~7)~~ *Not later than July 1, 1999, it will be modified if necessary so that it will not fail to operate and will operate correctly on and after January 1, 2000.*

b) Any review of a voting system shall consist of an evaluation of the characteristics of the system in order to determine what set of characteristics are needed to enable the system to fulfill the requirements set forth in subsection (a) ~~above~~, such as:

- 1) Physical characteristics, including design, engineering, materials and ability to communicate;
- 2) Software performance, including, to the maximum extent possible, a review of application programs, audit trails of overvotes and undervotes, duplicate programs, object code, source code, support software, data integrity, media security, and multi-programming;
- 3) Ballot and voting characteristics, such as the capacity of the ballot to contain multiple configurations;
- 4) Ballot processing characteristics, including the preparation, accurate tabulation for both primary and general election ballots and transportation of ballots;
- 5) Function and service characteristics, including the interaction and relationship, if any, of non-election related system functions with election related functions;
- 6) Human performance standards, such as extent of training and degree of manual dexterity needed;
- 7) Management standards, including setup, maintenance and security procedures.

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

Section 204.50 Application for Approval of Voting Systems

- a) In order to obtain Board approval of a voting system, a written application must be made to the Board. The application shall, at a minimum, contain the following:
- 1) A general description of the proposed system.
 - 2) The description, nomenclature, specifications and intended use or uses of all voting system components comprising the proposed voting system.
 - 3) A description of all contemplated and possible uses of the voting system software components.
 - 4) A description of support services provided for the proposed voting system.
 - 5) Applicant's primary address, telephone number ~~and~~, ~~e-mail address~~ and the ~~names, addresses, e-mail addresses and telephone numbers~~ name(s) of ~~individuals~~ individual(s) and/or ~~corporation~~ corporation(s), ~~their~~ address(es) ~~and telephone number(s)~~, who will be responsible for marketing the proposed voting system.
 - 6) The time period in which the ~~applicant~~ Applicant has actively engaged in marketing the proposed voting system.
 - 7) A complete list of election jurisdictions currently using the proposed voting system, including the size of the jurisdiction and the names and addresses of the election authorities.
 - 8) A complete list of jurisdictions currently contracting with the ~~applicant~~ Applicant for voting system components.
 - 9) A complete list of election jurisdictions in Illinois in which the ~~applicant~~ Applicant is seeking to market the proposed voting system.
 - 10) If known, a complete list of election jurisdictions in Illinois in which the ~~applicant~~ Applicant proposes to experimentally use the proposed voting

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system.

- b) The computer code as defined in Section 204.10 shall be submitted as part of the completed application for approval.
- c)b) No vendor or user shall offer to sell, lease, loan, give or otherwise supply to any user or potential user any voting system or voting system component, and no user shall place in operation any voting system or voting system component, without first submitting to the Illinois State Board of Elections the application for approval identified in subsection (a) ~~of this Section~~. Such completed application for approval shall be submitted not less than six ~~(6)~~ months prior to any election in which such voting system or support component is proposed for use.
- d)e) Failure to provide ~~thesuch~~ application ~~as this rule requires~~ in accordance with subsection (b) ~~hereof~~ shall result in the denial of any application or request for emergency approval of ~~ansuch~~ electronic voting system ~~thatwhich~~ might otherwise be appropriate under Section 204.160 of this Part.
- e)d) The reasonable expenses incurred, except those expenses related to escrow of submitted computer code, by the State Board of Elections in conducting the approval process of the voting system shall be borne by the applicant for approval of the voting system or system component. Expenses for which the applicant shall be liable shall be limited to goods and materials necessary for the review process, necessary travel in accord with ~~Statestate~~ travel regulations (80 Ill. Adm. Code 2800), use of contract consultants, and the actual cost of any computer support. Such expenses shall be documented and submitted to the applicant at the end of full review prior to interim approval, and within ~~ten (10)~~ days after the completion of any testing conducted between interim and final approval. Payment of ~~thesaid~~ costs shall be made by the applicant within 10 ~~ten~~ days ~~afteref~~ receipt. The Board shall not grant interim approval or full approval of a voting system or system component until the applicant has fully satisfied the monetary obligation incurred by the Board during the review process. Reasonable expenses are those customary and usual charges for goods and services of value and quality acceptable in the computer science industry. Board staff shall determine in the first instance what expenses are reasonable, and an applicant who believes that ~~the~~ staff determination is incorrect may ask for review of the determination by the State whole Board of Electionsitself.

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

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Section 204.55 Provision of the Voting System Computer Code

- a) All voting system vendors, whether currently providing an election authority with a voting system already approved by the State Board of Elections, submitting an application for approval of a voting system for the first time, or submitting for approval a modification, update or change in an existing voting system, shall provide to the Board the computer code associated with the voting system, to be placed in escrow with the Board. Failure to submit the code within 90 days after the effective date of this Section or as part of an application for approval shall be cause for withdrawal of such approval subject to Section 204.120 or for rejection of the application for failure to submit a completed application for approval.
- b) Such computer code shall be placed in a safety deposit box located at a secure facility chosen by the State Board of Elections, with access limited to designated staff of the State Board of Elections and those persons specifically authorized by Section 23-15.1 of the Election Code to have access to such code in conjunction with the proceedings of an election contest. The safety deposit box shall at all times contain a log of its current contents. This log shall be a printed copy of an electronic document on file at the State Board of Elections. Access to this document shall be limited to designated staff of the State Board of Elections.
- c) To maintain a chain of custody for the computer code, a log shall be maintained by the State Board of Elections tracking the whereabouts, handling and movement of any kind of the medium containing the code from the moment it comes into possession of the State Board of Elections until its return to the vendor who submitted it.
- 1) The log for the computer code shall include but not be limited to the following:
- A) The name of the vendor submitting the code;
- B) the name of the voting system containing the code;
- C) whether the submission is for an approved or existing system, a proposed system or a modification of an existing system (if it is a modification of an existing system, the reason for the modification, along with the new version number, shall also be included);

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- D) the date the code was received, opened and examined by the designated State Board of Elections staff member, along with that staff member's name;
 - E) the date and initials of the designated staff person who delivered the medium to the safety deposit box; and
 - F) the date the old version of the computer code (if a newer source code is provided) was returned to the vendor.
- 2) The log shall also list any problems with the computer code medium, including but not limited to any non-compliant or unreadable media, along with the date that such medium was returned to the vendor.
- 3) A separate log shall be created in the event that a computer code is required to be copied and delivered to a judge or tribunal overseeing an election contest in which the computer code is a subject of the contest. This separate log shall indicate:
 - A) the date the code was requested and provided;
 - B) to whom it was provided;
 - C) the jurisdiction in which the voting system was used;
 - D) the election that was contested;
 - E) the name of the judge or tribunal presiding over the case, along with the venue and docket or case number;
 - F) the date of the order;
 - G) the date of the return of the computer code to the State Board of Elections; and
 - H) the designated staff persons who were responsible for the copying, delivery and receipt of the affected computer code medium.
- d) In the proceedings of an election contest, access to a vendor's computer code is limited to the particular code being used by the voting systems actually utilized in

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the election being contested and will only be released pursuant to an order of a judge or tribunal hearing the contest. In the event that an order is issued to provide the computer code, written notice will be given to the vendor as soon as practicable, but in no case shall it be given less than two business days from the date of receipt of the order by the State Board of Elections.

- e) All computer code shall be provided in a medium chosen by the State Board of Elections and shall not be password protected. The computer code provided by each vendor shall be accompanied by a list describing what is being provided and, if necessary, instructions detailing the proper method for its reproduction. The list shall include the file names, file types, and file versions, a brief file description, and a reference to the corresponding object or computer code files. The vendor shall provide to the Board, at least 60 days prior to an election, a list of the names of all the Illinois election authorities who are using the approved computer code and, if more than one is being used in a jurisdiction, the versions being used. The lists required by this subsection shall be updated and submitted to the Board, upon any changes in the users or changes to the computer code, within 10 business days after the change, but in no case less than 5 days prior to an election. The computer code shall at no time be copied, reproduced, published, divulged or publicly disseminated in any way by the State Board of Elections unless a judge or tribunal overseeing an election contest orders its production.
- f) Any staff member of the State Board of Elections who intends to handle or otherwise have access to a vendor's computer code required to be provided by Section 23-15.1 of the Election Code must be so designated by the Executive Director of the State Board of Elections.
- g) Return of Escrowed Computer Code to Vendor
- 1) The State Board of Elections shall return all escrowed computer code to the vendor when:
- A) the Board refuses to grant approval subject to Section 204.110 of this Part; or
- B) the Board withdraws approval subject to Section 204.120 of this Part and at least 23 months have elapsed since the last election in which the computer code was used to tabulate ballots in the State, if no election contest is pending involving the code.

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- 2) To insure the receipt of the returned escrowed computer code by the vendor, the State Board of Elections shall place the code in a suitable envelope or other appropriate container and send it to the vendor by registered mail, return receipt requested. If the code is returned to the State Board of Elections as non-deliverable, or the return of the code to the vendor is otherwise unable to be accomplished, it shall be destroyed by the State Board of Elections in a suitable manner.

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

Section 204.60 Preliminary Determination and Review of the Proposed Voting Systems

- a) Upon the Board's receipt of a completed application requesting approval of a voting system, a preliminary determination shall be made as to whether the proposed voting system has the capability of fulfilling the criteria prescribed in Section 204.40 of this Part.
- b) If the preliminary determination indicates that the proposed voting system appears to fulfill the criteria prescribed in Section 204.40 of this Part, then the staff of the Board will conduct a preliminary review of the proposed voting system.
- c) Insofar as practical, the preliminary review of the proposed voting system will consist of the creation of a ~~pre-audited~~~~preaudited~~ ballot counting test by the Board's staff ~~that which~~ will be delivered to the ~~applicant~~~~Applicant~~. Thereupon, the ~~applicant~~~~Applicant~~ shall tabulate the ballots contained within the ~~pre-audited~~~~preaudited~~ ballot counting test and generate, at a minimum, individual precinct result total reports and cumulative result total reports which, along with the ~~pre-audited~~~~preaudited~~ ballot counting test, will be delivered to the Board. The Board's staff shall review the reports submitted by the ~~applicant~~~~Applicant~~ and submit a preliminary review findings and conclusions report to the Board and the ~~applicant~~~~Applicant~~.
- d) If the preliminary review report indicates that the proposed voting system appears to demonstrate the capability to fulfill the criteria prescribed in Section 204.40 ~~of this Part, then~~ the staff of the Board shall continue with the full review process to demonstrate satisfactory performance of ~~such system of~~ the proposed voting system as prescribed in Section 204.70 ~~of this Part~~. A system fails preliminary review when it fails to fulfill the criteria of Section 204.40 ~~of this Part~~ by the conclusion of the third ballot counting test.

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- e) If the preliminary review report indicates that the proposed system fails to demonstrate the capability to fulfill the criteria prescribed in Section 204.40 ~~of this Part, then~~ the staff of the Board shall cease any further review of the system. Any application for system approval offered by an applicant who has previously failed during the preliminary review or full review process shall not be considered by staff for a period of one ~~(1)~~ year from the date of such determination by the Board.

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

Section 204.70 Full Review Procedures

- a) Board staff shall, after giving written notice, make an on-site inspection to review production and testing of equipment and to interview personnel involved in the development of the proposed voting system.
- b) Board staff shall prepare and perform a test of the proposed voting system to determine whether ~~thesueh~~ system fulfills the criteria and requirements of Section 204.40 ~~of this Part~~. ~~TheSuch a~~ test shall be conducted under conditions ~~thatwhieh~~, to the maximum extent possible, ~~shall~~ simulate election-day conditions.
- c) Board staff shall prepare a profile showing:
- 1) The past performance experience and reliability of the proposed voting system as demonstrated in other election jurisdictions;
 - 2) The reputation of the vendor's reliability in performing service and maintenance agreements.
- d) Board staff shall prepare and submit a report to the Board stating the findings and conclusions of their review of the proposed voting system. A copy of ~~thesueh~~ report shall be transmitted to the ~~applicant~~ Applicant.

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

Section 204.75 Review and Verification of Computer Code

The State Board of Elections shall conduct a review in each jurisdiction in which it conducts a test of the vote counting equipment pursuant to Section 207.40 to verify that the computer code

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being utilized by the voting system in that jurisdiction is consistent with the most recent computer code submitted by the vendor for use in that jurisdiction. A written record of the review shall be produced and maintained by the State Board of Elections for a period of 2 years following the review.

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

Section 204.80 Hearing to Consider Staff Review Report

- a) The Board shall conduct a hearing to consider the staff's review report.
- b) The ~~applicant~~ Applicant shall be given 21 days written notice of the date, time and location of such hearing.
- c) The Board shall provide the ~~applicant~~ Applicant the opportunity to attend ~~the~~ such hearing and present any additional evidence or material ~~relevant to~~ pursuant to the staff review report ~~that~~ which would assist the Board in making a preliminary determination, on the basis of the staff review report, as to whether to approve the proposed voting system.

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

Section 204.90 Interim Approval of Voting Systems

- a) If the Board, based upon the staff review report or any additional data submitted to it by the applicant pursuant to Section 204.80(c), preliminarily determines that the proposed voting system demonstrates the capability to fulfill all of the requirements ~~as~~ set forth in Sections 24A-16 of the Election Code, and Section 204.40(a) of this Part, the Board shall approve the use of the system on an interim basis. Such approval shall limit the use of the system to specific election jurisdictions or precincts, to specific elections, and to specific procedural functions if the Board determines the limitation to be necessary due to inability of the applicant to furnish system components and/or the ability of the system to address characteristics of the particular elections.
- b) Any interim approval granted by the Board shall be for a period not to exceed 2 years.
- c) During the interim approval period, the Board staff shall monitor the performance of the proposed voting system and shall, at the expiration of the interim approval

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period, submit a written report to the Board indicating ~~staff's~~~~their~~ findings, conclusions, and final recommendations.

- d) Within ~~thirty~~ (30) days following the expiration of the interim approval period, the ~~applicant~~~~Applicant~~ shall submit to the Board a written request for final approval of the proposed voting system. The ~~applicant~~~~Applicant~~ shall also submit at the same time its own report identifying what problems, if any, were encountered by the proposed voting system during the interim approval period.

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

Section 204.100 Final Approval of Voting Systems

- a) The Board, on the basis of the application on file before it, the findings, conclusions and recommendations of the staff, any reports or additional documentation submitted by the ~~applicant~~~~Applicant~~, and ~~on~~ the demonstrated performance of the proposed voting system during the interim approval period, shall make its determination whether to grant final approval of the proposed voting system for use in one or more election jurisdictions in Illinois.
- b) The Board's final approval shall specify, at a minimum, the following:
- 1) The description, nomenclature, specifications and intended use or uses of all voting system components used in the proposed voting system.
 - 2) Identification, size, and nature of the type of election jurisdiction where the proposed voting system may be employed.

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

Section 204.110 Refusal to Grant Approval of Voting Systems

Whenever the ~~applicant~~~~Applicant~~ fails to demonstrate, ~~either~~ after the preliminary determination, the preliminary review or the full review, that the proposed voting system has the capability to fulfill the criteria prescribed in Section 204.40 ~~of this Part~~, the Board shall notify the ~~applicant~~~~Applicant~~ in writing that the Board will not grant approval of the proposed voting system and that the application is denied. ~~Denial~~~~Such denial~~ of the application shall prevent the ~~applicant~~~~Applicant~~ from submitting a new application for approval of the same voting system or system component to the Board within one year from the date of the Board's decision.

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

Section 204.120 Withdrawal of Approval of Voting Systems

- a) If, at any time subsequent to the Board's approval or interim approval of a voting system, the Board determines that the approved voting system fails to fulfill the criteria prescribed in Section 204.40 ~~of this Part~~, or the vendor failed to submit or use the proper computer code or the computer code has not been used for at least 23 months to tabulate ballots in an election, the Board shall notify any users or vendors of that particular voting system that the Board's approval of that system is to be withdrawn. ~~The~~Such notice shall be in writing, shall specify the reasons why approval of the system is being withdrawn, and shall specify the date on which the withdrawal is to become effective.
- b) Any vendor or user of ~~asueh~~ voting system may request, in writing, that the Board reconsider its decision to withdraw approval of the voting system. Upon receipt of ~~such~~ a request, the Board shall hold a public hearing for the purpose of reconsidering the decision to withdraw approval and any interested person shall be given an opportunity to make a presentation either in support of or in opposition to the Board's decision.
- c) The Board shall, on the basis of the record before it, either affirm or reverse its decision to withdraw approval. In the alternative, the Board may also order that the voting system be given further review by the Board's staff in accordance with this Part and also, if appropriate, order that the voting system be subject to interim approval as determined by the Board.
- d) ~~Prior to July 1, 1999, vendors or users shall provide the Board with a certificate that each electronic voting system which it then supplies for use in Illinois meets the requirements of Section 204.40(a) of this Part. After July 1, 1999, the Board will send the notice specified by subsection (a) of this Section to vendors and users of all electronic voting systems for which such a certificate has not been received by July 1, 1999.~~

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

Section 204.130 Subsequent Modification of Voting Systems

Any modification or change in the description, nomenclature, specifications, characteristics or use of any voting system components that relates, ~~which relate~~ to the election process, shall

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constitute a change in the approved voting system and shall require submission and approval of an application, as prescribed in Section 204.50, for approval and submission of the computer code for the modification or change ~~as prescribed in Section 204.50 of this Part~~. However, modifications or changes that normally occur as a result of the election process, which shall include but not be limited to object code programming, instruction manual revisions, and ballot printing, shall not constitute a modification or change in the approved system.

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

Section 204.140 Monitoring of Voting Systems

- a) The staff of the Board shall have the authority and responsibility to test and monitor the use of approved voting systems to ensure that the system is operating according to specifications. Monitoring~~Such monitoring~~ shall be conducted at times when the voting system is normally engaged by the election authority.
- b) The State Board of Elections may select, on a rotation basis, not more than 10% of the election jurisdictions in which to order a special test of the automatic tabulating equipment and program prior to any regular election. In addition, provided, that the Board may order a special test in any election jurisdiction where, during the preceding ~~12~~twelve months, computer programming errors or other errors in the use of electronic voting systems resulted in vote tabulation errors. Not more than 35 days nor less than 30 days prior to any election, the State Board of Elections shall provide written notice of intent to conduct a test. ~~The, the~~ selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The Board's State Board of Elections' tests shall be conducted and completed not less than 2 days prior to the public test. The Board will provide utilizing testing materials, will supervise the test, and will cover ~~supplied by the Board and under the supervision of te Board, and the~~ reasonable ~~cost~~seost of computer time required to conduct the special test.
- c) Testing may be conducted at other times upon the request of the Board and with the agreement of the election authority.
- d) Each election authority shall send to the State Board of Elections written notice of the type of voting system it will use for any regular or special election. The~~Such~~ notice shall be on a form prescribed and supplied by the Board and shall include, but not be limited to, the hardware components and respective serial numbers, software vendors, hardware vendors, ballot card/sheet vendor, ballot card type,

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staff personnel authorized to operate [the](#) system, location where system shall operate, and backup support procedures if the system fails. The notice [must shall be sent so as to](#) arrive at the Board at least 45 days prior to any regular or special election. The Board shall supply the election authorities with sufficient copies of the notice form.

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

Section 204.150 Voting Systems in Use on the Effective Date of this Part [\(Repealed\)](#)

- a) ~~All voting systems in use in this State as of the effective date of this Part shall be deemed approved for use pending submission of an application for approval within 120 days of the effective date of this Part and the Board determination thereon.~~
- b) ~~Any application for approval submitted to be Board pursuant to paragraph (a) above shall be given expedited consideration by the Board and its staff. For the purpose of reviewing such application, the Board and its staff need not conduct the preliminary review as provided for by Section 204.60 of this Part nor the simulated test as provided for by Section 204.70 of this Part, nor shall the Board apply the provisions of Section 204.90 for interim approval, provided, however, that the proposed system has been shown to have demonstrated successful use in at least one previous election in terms of the criteria indicated in Section 204.40(a).~~
- e) ~~Any voting system in use in this State as of the effective date of these rules for which an application for approval has not been submitted on or before the 120th day following the effective date of these rules shall no longer be approved for use in this State.~~

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

Section 204.160 Emergency Approval of a Voting System

- a) The Board shall have the authority, upon written request, to grant emergency approval of a voting system ~~which shall be~~ limited to one election. ~~The Such~~ emergency approval shall specify, at a minimum, the following:
 - 1) The reason for ~~thesueh~~ emergency approval;

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- 2) The description of the voting system prepared for use in the emergency; and
 - 3) The specific election jurisdiction and specific election in ~~that~~^{which} the voting system will be employed.
- b) The Board shall approve the application for emergency approval if the following conditions are met:
- 1) Error-free completion of a staff-prepared ballot tabulation test ~~that~~^{which} demonstrates ~~that~~ the system fulfills the provisions of Section 204.40(a);
 - 2) Demonstration that an approved system is not available for use in the election in question; and
 - 3) Demonstration that the requirements specified in Section 204.100(c)(1), (2), and (3) ~~of this Rule~~ have, to the maximum extent possible, been complied with in connection with this emergency approval.

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

Section 204.170 Jurisdiction of Election Authority over Voting System's Personnel

All persons, including programmers, systems analysts and machine operators, engaged in the counting of the ballots or in the planning for usage of tabulating or electronic equipment, shall be deputized by, and under the jurisdiction of, the county clerk or board of election commissioners, as the case may be.

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

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- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1150
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1150.10	New Section
1150.20	New Section
1150.30	New Section
1150.40	New Section
1150.50	New Section
1150.60	New Section
1150.70	New Section
- 4) Statutory Authority: Section 7-101 of the Illinois Human Rights Act [775 ILCS 5/7-101].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules implement grievance procedures required under the federal Americans with Disabilities Act
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed rules do not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Brent A. Harzman
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601
(312) 814-1906 or (312) 263-1579 (TTY)

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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: This rulemaking was not included on either of the 2 most recent agendas because: it was not anticipated.

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

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NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XLIII: DEPARTMENT OF HUMAN RIGHTSPART 1150
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1150.10	Purposes
1150.20	Definitions
1150.30	Procedure
1150.40	ADA Coordinator Review
1150.50	Final Review
1150.60	Accessibility
1150.70	Case-By-Case Resolution

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)].

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

Section 1150.10 Purposes

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR 35.107, requiring the adoption of a procedure to resolve grievances asserted by qualified individuals with disabilities. Interested parties may contact the ADA Coordinator to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it.
- b) In general, the ADA requires that each program, service and activity offered by the Department of Human Rights (Department), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 1150.20 Definitions

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"ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"ADA Coordinator" means the person appointed by the Director of the Department to coordinate the Department's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of grievances filed by Complainants. The ADA Coordinator may be contacted at Department of Human Rights, ADA Coordinator, 222 South College, Room 101A, Springfield IL 62704. (See 28 CFR 35.107.)

"Complainant" means a qualified individual with a disability who files a Grievance Form provided by the Department.

"Department" means the Illinois Department of Human Rights.

"Director" means the Director of the Department or a duly authorized designee.

"Disability" shall have the same meaning as set forth in the ADA.

"Grievance" means any written complaint under the ADA by an individual with a disability who meets the eligibility requirements for participation in, or receipt of, the benefits of a program, activity or service offered by the Department and who believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Department, or who has been subject to discrimination by the Department.

"Grievance Form" means the form prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, telephone number, nature of the grievance, with specificity, including date of incident, time, place and witnesses if applicable.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

Section 1150.30 Procedure

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- a) Grievances must be submitted in accordance with procedures established in Sections 1150.40 and 1150.50 of this Part. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the ADA Coordinator and/or the Final Reviews described in Sections 1150.40 and 1150.50.
- b) A Complainant's failure to submit a Grievance Form, or to submit or appeal it to the next level of review within the specified time limits, shall mean that the Complainant has withdrawn the grievance or has accepted the Department's last response as given in the grievance procedure.
- c) A Complainant must exhaust the remedies provided under this Part as a prerequisite for filing any action before a court or other administrative body.
- d) The Department shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 1150.40 ADA Coordinator Review

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the date of the alleged discrimination, submit a grievance to the ADA Coordinator on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the ADA Coordinator.
- b) Upon request, the Department shall assist an individual in completing the Grievance Form.
- c) The ADA Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The ADA Coordinator shall provide a written response to the Complainant and Director within 15 business days after receipt of the Grievance Form.

Section 1150.50 Final Review

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- a) If the grievance is not resolved pursuant to Section 1150.40 of this Part to the satisfaction of the Complainant, the Complainant may submit a copy of the Grievance Form and ADA Coordinator's response to the Director for final review. The Complainant shall submit these documents to the Director, together with a short written statement explaining the reasons for dissatisfaction with the ADA Coordinator's written response, within 10 business days after service of the ADA Coordinator's response. Service is deemed complete 5 business days after mailing.
- b) Within 15 business days after receipt of the Complainant's request to the Director for final review, the Director shall appoint a three-member panel to evaluate the grievance. The Director shall designate one panel member as chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last panel member is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have the right to appoint a representative to appear on his or her behalf. The panel shall review the Complainant's Grievance Form and the ADA Coordinator's written response, and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make written recommendations to the Director regarding the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign his or her recommendation.
- e) Within 15 business days after receipt of the panel's recommendations, the Director shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his or her decision; and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director shall include written reasons for such disapproval or modification.
- f) The Grievance Form, the ADA Coordinator's response, the Complainant's statement of the reasons for dissatisfaction, the panel's recommendations, and the

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Director's decision shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

Section 1150.60 Accessibility

The Department shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 1150.70 Case-By-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity, or cause undue hardship for the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other Complainants should rely.

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- 1) Heading of the Part: Procedures of the Department of Human Rights
- 2) Code Citation: 56 Ill. Adm. Code 2520
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2520.30	Amendment
2520.40	Amendment
2520.330	Amendment
2520.587	Amendment
- 4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments codify changes to the request for review procedures. Amendments to Sections 2520.30 and 2520.40 add Surreplies to be consistent with the Request for Review procedures in Subpart F of this Part. Section 2520.330 provides that Real Estate Transaction charges under Article 3 of the Illinois Human Rights Act 775 ILCS 5/3-101 et seq.] are to be verified rather than notarized. Section 2520.587 provides that the Department shall publish Orders of the Chief Legal Counsel on the Department's website, consistent with Cooper v. Salazar, 98C2930, Federal District Court, N.D. Illinois, Eastern Division.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Will this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The proposed amendments do not create, modify or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments to:

Brent A. Harzman

DEPARTMENT OF HUMAN RIGHTS

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Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago IL 60601
Telephone number: 312-814-1906
T.D.D.: 312-263-1579

Comments must be in writing and filed within 45 days of the date of this issue of the *Illinois Register*. If, because of physical disability, you are unable to put comments in writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any entities subject to the Illinois Human Rights Act.
 - 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 2004

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

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520

PROCEDURES OF THE DEPARTMENT OF HUMAN RIGHTS

SUBPART A: INTERPRETATIONS

Section	
2520.10	Definition of Terms
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

SUBPART B: CHARGE

Section	
2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

SUBPART C: PROCEDURE UPON CHARGE

Section	
2520.410	Docketing and Service of Charge (Repealed)
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference
2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)
2520.470	Conciliation (Repealed)
2520.480	Complaint (Repealed)

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SUBPART D: SETTLEMENTS

Section

2520.510	Settlement
2520.520	Non-Disclosure (Repealed)
2520.530	Dismissal for Refusal to Accept Settlement Offer (Repealed)
2520.540	Non-Compliance with Settlement Terms (Repealed)

SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section

2520.550	Administrative Closure
2520.560	Dismissal
2520.570	Default

SUBPART F: REQUESTS FOR REVIEW

Section

2520.573	Filing with Chief Legal Counsel
2520.575	Contents of Request for Review
2520.577	Notice by the Chief Legal Counsel
2520.580	Extensions of Time
2520.583	Reply to Request for Review and Surreply
2520.585	Additional Investigation
2520.587	Decision

SUBPART G: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section

2520.610	Scope and Purpose (Repealed)
2520.620	Definitions (Repealed)
2520.630	Cooperative Agreements
2520.640	Nature of Cooperative Agreements
2520.650	Training and Technical Assistance
2520.660	Promotion of Communication and Goodwill

SUBPART H: EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION BY STATE EXECUTIVE AGENCIES

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Section

2520.700	Definitions
2520.710	Scope and Purpose
2520.720	Affirmative Action Groups
2520.730	Consideration of Additional Groups
2520.740	Definitions (Renumbered)
2520.750	Nondiscrimination (Repealed)
2520.760	Plans
2520.770	Reporting and Record-Keeping
2520.780	Equal Employment Opportunity Officers
2520.790	Complaint Process
2520.795	Compliance Reviews
2520.797	Sanctions for Noncompliance

2520.APPENDIX A Contents of Affirmative Action Plans

2520.APPENDIX B Value Weight Assignment Chart

AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. 15556, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; emergency amendment at 20 Ill. Reg. 445, effective January 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6291, effective April 18, 1996; amended at 20 Ill. Reg. 10631, effective July 24, 1996; amended at 21 Ill. Reg. 14081, effective October 10, 1997; amended at 26 Ill. Reg. 17217, effective November 18, 2002; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: INTERPRETATIONS

Section 2520.30 Service of Documents

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- a) Manner of Service. Unless otherwise provided, all documents required to be served under the Act or this Part shall be served personally, by telefax, by U.S. mail or by private delivery service. However, requests for review, replies to requests for review, ~~such pleadings requests for review~~ ~~and surreplies to replies~~, and requests for ~~extension~~ ~~extension~~ of time to file ~~such pleadings requests for review~~ may be served upon the Chief Legal Counsel only by personal service, by U.S. mail or by private delivery service.
- b) Proof of Service. Where service on the Department is required, proof of service shall be filed with the Department consisting of the verified statement of the individual making service, specifying the title of the document, manner and date of such service.
- c) Effective Date of Service by Mail. Service by mail shall be deemed complete five days after mailing of the document, properly addressed and posted for delivery to the person to be served.

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

Section 2520.40 Filing with the Department

Documents required to be filed with the Department shall be deemed filed when received, if hand-delivered or telefaxed, except that requests for review filed pursuant to Section 2520.573 of this Part, replies to requests for review ~~and surreplies to replies~~ filed pursuant to Section 2520.583 of this Part, and requests for extensions of time to file ~~such pleadings requests for review filed~~ pursuant to Section 2520.580 of this Part may not be telefaxed. An item delivered by the U.S. Postal Service shall be deemed to have been filed when postmarked, properly addressed and posted for delivery. An item delivered by a private delivery service shall be deemed to have been filed on the date sent as indicated on the label, or in the absence of such a date on the label, shall be deemed filed on the date received.

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

SUBPART C: PROCEDURE UPON CHARGE

Section 2520.330 Contents

A charge shall be in such detail as to substantially apprise parties of the time, place and facts with respect to the alleged civil rights violation. It should contain the following:

- a) the full name and address of the complainant; however, upon request of

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complainant or respondent and with agreement of the Department, the name of complainant will not be released to the public;

- b) the full name and address of each respondent;
- c) a statement of the facts alleged to constitute a prima facie case of a civil rights violation, including the date, time, and place thereof;
- d) a statement of each specific harm the complainant has suffered as a consequence of the alleged civil rights violation; and
- e) complainant's ~~notarized~~ signature in the following format: under oath or affirmation:
 - 1) for a charge filed pursuant to Article 7A of the Act, notarized under oath or affirmation [775 ILCS 5/Art. 7A]; and
 - 2) for a charge filed pursuant to Article 7B of the Act [775 ILCS 5/Art. 7B], verified by certification in the following form: Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109], the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

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

SUBPART F: REQUESTS FOR REVIEW

Section 2520.587 Decision

If, after a de novo review of the Director's decision to dismiss a charge or issue a Notice of Default, the Chief Legal Counsel determines that the Director's decision should be sustained, he/she shall enter an order stating the findings and reasons for that determination. Otherwise, the Chief Legal Counsel shall order that the dismissal or default be vacated and either the charge be returned to the Charge Processing Division of the Department for additional work or a substantial evidence finding be entered. The Chief Legal Counsel shall ~~immediately~~ cause the order to be served on the Director and all parties to the charge and to be timely published on the Department's website. In the case of a default that is sustained, a copy of the order shall also be served on the Human Rights Commission, so that it may conduct further proceedings pursuant to

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Section 7-101.1(C) of the Act.

(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 Number: 148.126 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These amendments are being proposed to provide additional funding under Safety Net Adjustment Payments for hospital services. This change is necessary to provide necessary funding to a high volume Medicaid provider to ensure access to quality health care for the Department's medical assistance clients. This payment change is expected to result in an additional expenditure of approximately \$3 million.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking 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>
148.40	Amendment	July 16, 2004 (28 Ill. Reg. 9926)
148.85	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.90	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.95	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.100	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.103	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.110	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.112	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.115	Amendment	July 16, 2004 (28 Ill. Reg. 9926)
148.140	Amendment	July 16, 2004 (28 Ill. Reg. 9926)
148.240	Amendment	July 16, 2004 (28 Ill. Reg. 9926)
148.310	Amendment	April 9, 2004 (28 Ill. Reg. 5808)

- 10) Statement of Statewide Policy Objective: These proposed amendments do not affect units of local government.

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- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

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

Any interested persons may review these proposed amendments on the Internet at <http://www.dpaininois.com/publicnotice/>. Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Tenth Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals will be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None

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

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

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

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

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

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

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

- Section
- 148.500 Definitions

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148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

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

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

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

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

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

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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; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments

- a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a). A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:
 - 1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.

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- 2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.
- 3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).
- 4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:
 - A) Has an MIUR greater than 33 percent.
 - B) Is designated a perinatal level two center by the Illinois Department of Public Health.
 - C) Has fewer than 125 licensed beds.
- 5) The hospital is a rural hospital, as described in Section 148.25(g)(3).
- 6) The hospital meets all of the following criteria:
 - A) Has an MIUR greater than 30 percent.
 - B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
 - C) Provided greater than 15,000 total days in the safety net hospital base year.
- 7) The hospital meets all of the following criteria:
 - A) Does not already qualify under subsections (a)(1) through (a)(6) of this Section.
 - B) Has an MIUR greater than 25 percent.
 - C) Had an occupancy rate greater than 68 percent in the safety net hospital base year.
 - D) Provided greater than 12,000 total days in the safety net hospital base year.

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- b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4) and subsections (a)(6) through (a)(7) of this Section:
- 1) Hospitals located outside of Illinois.
 - 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).
 - 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
 - 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
 - 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).
- c) Safety Net Adjustment Rates
- 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$15.00.
 - B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2) – \$20.00.
 - C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – \$20.00.
 - D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:
 - i) Located within HSA 6 or HSA 7 – \$80.00.
 - ii) Located outside HSA 6 or HSA 7 – \$35.00.
 - E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
 - i) Located within HSA 6 or HSA 7 – \$35.00.

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- ii) Located outside HSA 6 or HSA 7 – \$15.00.
- F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
- i) Located within HSA 6 or HSA 7 – \$12.00.
 - ii) Located outside HSA 6 or HSA 7 – \$5.00.
- G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – \$125.00.
- H) A children's hospital that is a rural hospital – \$145.00.
- I) A qualifying hospital, that is neither a rehabilitation hospital nor a children's hospital, that is located in HSA 6 and that:
- i) Provides obstetrical care – \$10.00.
 - ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – \$35.00.
 - v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – \$5.00; less than 4.00 days – \$5.00; less than 3.75 days – \$5.00.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:

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- i) Provides obstetrical care – \$70.00.
 - ii) Does not provide obstetrical care – \$30.00.
- K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year – \$6.00.
- L) A qualifying hospital with two or more graduate medical education programs, as listed in the “2000-2001 Graduate Medical Education Directory”, with an average length of stay fewer than 4.00 days – \$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$123.00.
- 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
- A) A qualifying hospital – \$40.00.
 - B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds – \$20.00.
 - ii) Fewer than 150 licensed beds – \$40.00.
 - C) A qualifying hospital with the lowest average length of stay – \$15.00.
 - D) A hospital that has a CMIUR greater than 65 per centum – \$35.00.
 - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – \$160.00.
- 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
- 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies,

DEPARTMENT OF PUBLIC AID

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divided by the hospital's total days:

- A) The hospital that has the highest number of obstetrical care admissions – \$30,840.00.
- B) The greater of:
 - i) The product of \$115.00 multiplied by the number of obstetrical care admissions.
 - ii) The product of \$11.50 multiplied by the number of general care admissions.
- 6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is \$30.00.

7) For a hospital qualifying under subsection (a)(7) of this Section, the rate is \$117.00.

d) Payment to a Qualifying Hospital

- 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
- ~~2) For the safety net adjustment period occurring in State fiscal year 2003, total payments will equal the methodologies described in subsection (c) of this Section. For the period January 1, 2003, through June 30, 2003, payment will equal the State fiscal year 2003 amount less the amount the hospital received under the safety net adjustment period for the quarters ending September 30, 2002, and December 31, 2002.~~
- ~~2)3) For safety net adjustment periods occurring after State fiscal year 2003, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.~~

e) Definitions

- 1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.

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- 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).
- 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (e)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
- 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.
- 5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 6) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.
- 7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.
- 8) "Obstetrical care days" means, for a given hospital, days of hospital

DEPARTMENT OF PUBLIC AID

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inpatient service associated with the obstetrical care admissions described in subsection (e~~f~~)(7) of this Section.

- 9) "Occupancy rate" means a fraction, the numerator of which is the hospital's total days, excluding long term care and substance abuse days, and the denominator of which is the hospital's total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois".
- 10) "Safety net hospital base year" means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.
- 11) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year, and ending on June 30 of the following year.
- 12) "Total admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.
- 13) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Rulemaking Procedures
- 2) Code Citation: 92 Ill. Adm. Code 102
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
102.1	Repeal
102.3	Repeal
102.5	Repeal
102.7	Repeal
102.9	Repeal
102.11	Repeal
102.31	Repeal
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is proposing to repeal this Part in its entirety. The Department has determined that this Part is no longer useful or necessary. Since the federal hazardous materials transportation regulations are now applicable to intrastate as well as interstate movements of hazardous materials, the Department has little or no discretion with respect to the Illinois Hazardous Materials Transportation Regulations. Further, since the Department is not at liberty to amend the Illinois Hazardous Material Transportation Regulations (IHMTR) pursuant to a petition for rulemaking submitted to the Department, interested parties are encouraged to submit comments to US DOT in order to effect amendments to the IHMTR. Finally, since the procedural language found in this Part is so similar to the procedural provisions contained in the Illinois Administrative Procedure Act [5 ILCS 100], this Part is no longer necessary.
- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This proposed repealer was not included on either of the two most recent agendas because: the Department only recently became aware of the need for this rulemaking.

The full text of this Proposed Repealer begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 102
 RULEMAKING PROCEDURES **(REPEALED)**

SUBPART A: GENERAL

Section

102.1	Scope
102.3	Definitions
102.5	Regulatory Dockets
102.7	Records
102.9	Where to File Petitions

SUBPART B: PROCEDURES FOR ADOPTION OF RULES

Section

102.11	General
102.31	Petitions for Rulemaking

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; codified at 8 Ill. Reg. 17978; amended at 22 Ill. Reg. 5716, effective March 4, 1998; repealed at 28 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 102.1 Scope

This Part designates the procedures which govern the issuance, amendment and repeal of regulations of the Division of Traffic Safety of the Illinois Department of Transportation concerning the transportation of hazardous materials.

Section 102.3 Definitions

For the purpose of this Part, "Director" means the Director of the Division of Traffic Safety.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 102.5 Regulatory Dockets

- a) Information and data relating to rulemaking actions, including notices of proposed rulemaking, comments received in response to notices, records of additional rulemaking proceedings, and final regulations are maintained by the Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212.
- b) Any person may examine and copy any docketed material at the offices of the Division of Traffic Safety during regular business hours after the docket is established, except material which the Director determines should be withheld from public disclosure under applicable provisions of any statute administered by the Director or which are deemed confidential by State or Federal Statute or which the Director determines to constitute trade secrets.

Section 102.7 Records

Records of the Division of Traffic Safety relating to rulemaking proceedings are available for inspection as provided in Section 5-10(a)(ii) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(ii)].

Section 102.9 Where to File Petitions

Any petition filed by any person relating to any proposed or existing regulation concerning the transportation of hazardous materials must be submitted to: Director, Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212.

SUBPART B: PROCEDURES FOR ADOPTION OF RULES

Section 102.11 General

Except as expressly provided in this Part, the rulemaking procedures set forth in the Department's Rulemaking Procedures on file with the Secretary of State shall govern the issuance, amendment and repeal of regulations of the Division of Traffic Safety of the Illinois Department of Transportation concerning the transportation of hazardous materials.

Section 102.31 Petitions for Rulemaking

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- a) Any interested person may petition the Director to establish, amend, or repeal a regulation.
- b) Each petition filed under this section must -
 - 1) Set for the text or substance of the regulation or amendment proposed, or specify the rule that the petitioner seeks to have repealed, as the case may be;
 - 2) Explain the interest of the petitioner in the action requested; and
 - 3) Contain any information and arguments available to the petitioner to support the action sought.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Specifications for Tank Cars
- 2) Code Citation: 92 Ill. Adm. Code 179
- 3) Section Number: 179.2000 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is **proposing to** make a minor technical change to this Part that imposes no new requirements on industry. The Department is correcting two cites at Section 179.2000(a) thereby clarifying language to reflect that all of 49 CFR 179, subpart E, is incorporated by reference, not just sections 179.300 and 179.301. This change clarifies the Department's rule and does not impose new requirements on industry.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
179.2000	Amend	28 Ill. Reg. 13201, October 1, 2004

- 10) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

This rulemaking amendment was not included on either of the two most recent regulatory agendas because: the Department only recently became aware of the need for this rulemaking.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 179
 SPECIFICATIONS FOR TANK CARS

Section

179.1000	General
179.2000	Incorporation By Reference of 49 CFR 179

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 19677, effective October 1, 1984; amended at 10 Ill. Reg. 5909, effective April 1, 1986; amended at 10 Ill. Reg. 20824, effective December 1, 1986; amended at 11 Ill. Reg. 4796, effective March 10, 1987; amended at 11 Ill. Reg. 17915, effective October 20, 1987; amended at 12 Ill. Reg. 8102, effective April 26, 1988; amended at 15 Ill. Reg. 7781, effective May 7, 1991; amended at 16 Ill. Reg. 11875, effective July 13, 1992; amended at 18 Ill. Reg. 7912, effective May 6, 1994; amended at 20 Ill. Reg. 6577, effective April 30, 1996; amended at 22 Ill. Reg. 5736, effective March 4, 1998; amended at 22 Ill. Reg. 17042, effective September 30, 1998; amended at 25 Ill. Reg. 7320, effective May 19, 2001; amended at 26 Ill. Reg. 8958, effective June 5, 2002; amended at 28 Ill. Reg. 10112, effective July 1, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 179.2000 Incorporation By Reference of 49 CFR 179

- a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following [subpart and](#) sections of 49 CFR 179 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 2003, as amended at 68 FR 57629, October 6, 2003 subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

179.1	General
179.2	Definitions and abbreviations

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

179.5	Certificate of Construction
179.6	Repairs and alterations
179.7	Quality Assurance program
179.10	Tank mounting
179.11	Welding certification
179.12	Interior heater systems
179.16	Tank-head puncture-resistance systems
179.18	Thermal protection systems
179.20	Service equipment; protection systems
179.22	Marking

Subpart E Specifications for Multi-Unit Tank Car Tanks (Classes DOT-106A and 110AW)

~~179.300~~ ~~General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (classes DOT-106A and 110AW)~~

~~179.301~~ ~~Individual specification requirements for multi-unit tank car tanks~~

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 179 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to Section 179.3 shall mean 49 CFR 179.3.
 - 4) 49 CFR 179.2(a)(4) is deleted and replaced by the following: "DOT"

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

means the U.S. Department of Transportation and 'Department' means the Illinois Department of Transportation."

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF OFFICE AND BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1050.2200	New Section
1050.2210	New Section
1050.2220	New Section
1050.2230	New Section
1050.2240	New Section
1050.2250	New Section
1050.2260	New Section
1050.2270	New Section
- 4) Statutory Authority: Implementing and authorized Section 4-1(g) and 7-1 of the Residential Mortgage License Act of 1987 [205 ILCS 635/7-1]
- 5) Effective date of rulemaking: September 21, 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 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: May 14, 2004; 28 Ill. Reg. 6947
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Changed name of agency from "Office of Banks and Real Estate" to "Department of Financial and Professional Regulation Division of Banks and Real Estate", changed titles of the "Commissioner" to "Director" and made other non-substantive changes. This final version also added Subpart R in the table of contents (adopted June 29, 2004) and updated the Main Source Note to reflect the adoption of Subpart R.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF OFFICE AND BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Public Act 93-561 amended the Illinois Residential Mortgage License Act of 1987 to require registration of all persons engaged in the activity of a loan originator of residential mortgage loans. Registration is required to engage in the activities of a loan originator as of July 1, 2004. Loan originators have heretofore not been required to be registered. Provisional registration is necessary to assure the orderly registration of loan originators. An orderly transition to registered status is necessary to assure that the consumer protection purposes of the registration requirement are met; that the application and funding of mortgage loans continues efficiently; and that reputable loan originators are able to pursue their livelihoods without undue interruption.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Kraig Lounsberry
Legislative Liaison
Illinois Department of Financial and Professional Regulation
Division 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:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF OFFICE AND BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION OFFICE OF BANKS AND REAL ESTATE

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section

1050.100	High Risk Home Loan Definitions; Applicability
1050.110	Act
1050.115	Administrative Decision
1050.120	Assisting
1050.125	Commissioner
1050.130	Control
1050.132	Conviction or Convicted
1050.135	Document
1050.140	Employee
1050.145	First Tier Subsidiary
1050.150	Hearing Officer
1050.155	High Risk Home Loan
1050.157	Licensee
1050.160	Material
1050.165	Other Regulatory Agencies
1050.170	Party
1050.175	Principal Place of Business
1050.180	Repurchase a Loan
1050.185	State
1050.190	Servicer
1050.195	Points and Fees
1050.197	Total Loan Amount
1050.198	Approved Credit Counselor
1050.199	Home Equity Loan

SUBPART B: FEES

Section

1050.210	License Investigation Fees
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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF OFFICE AND BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1050.220	License Fees
1050.230	Amended License Fees – Corporate Changes
1050.240	Duplicate Original License Fees
1050.245	Loan Originator Registration Application Fee
1050.246	Loan Originator Registration Transfer Fee
1050.247	Loan Originator Registration Reactivation Fee
1050.248	Duplicate Loan Originator Certificate of Registration or Pocket Card Fee
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations
1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment

SUBPART C: LICENSING

Section	
1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office
1050.360	Continuing Education Requirements for Certain Employees (Repealed)

SUBPART D: OPERATIONS AND SUPERVISION

Section	
1050.410	Net Worth
1050.420	Line of Credit (Repealed)
1050.425	Examination
1050.430	Late Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF OFFICE AND BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section

1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.660	Verification

SUBPART F: FORECLOSURE RATE

Section

1050.710	Computation of National Residential Mortgage Foreclosure Rate
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Commissioner's Authority – Unusually High Rate

SUBPART G: SERVICING

Section

1050.810	New Loans
1050.820	Transfer of Servicing
1050.830	Real Property Tax and Hazard Insurance Payments
1050.840	Payment Processing
1050.850	Toll-Free Telephone Arrangement
1050.860	Payoff of Outstanding Mortgage Loan

SUBPART H: ADVERTISING

Section

1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws
1050.940	Requirements
1050.950	Misleading and Deceptive Advertising Prohibition

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF OFFICE AND BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: LOAN BROKERAGE PRACTICES

Section

- 1050.1010 Loan Brokerage Agreement
- 1050.1020 Loan Brokerage Disclosure Statement
- 1050.1030 Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

Section

- 1050.1100 High Risk Home Loan Application Practices; Applicability
- 1050.1110 Borrower Information Document
- 1050.1120 Description of Required Documentation
- 1050.1130 Maintenance of Records (Repealed)
- 1050.1140 Loan Application Procedures
- 1050.1150 Copies of Signed Documents
- 1050.1160 Confirmation of Statements
- 1050.1170 Cancellation of Application
- 1050.1175 Maintenance of Records
- 1050.1180 Ability to Repay
- 1050.1185 Verification of Ability to Pay Loan
- 1050.1186 Fraudulent or Deceptive Practices
- 1050.1187 Prepayment Penalty

SUBPART K: GENERAL LENDING PRACTICES

Section

- 1050.1200 High Risk Home Loan Lending Practices; Applicability
- 1050.1210 Notice to Joint Borrowers
- 1050.1220 Inaccuracy of Disclosed Information
- 1050.1230 Changes Affecting Loans in Process
- 1050.1240 Prohibition of Unauthorized Lenders
- 1050.1250 Good Faith Requirements
- 1050.1260 Pre-paid Insurance Products and Warranties
- 1050.1270 Refinancing Prohibited in Certain Cases
- 1050.1272 Balloon Payments
- 1050.1275 Financing of Certain Points and Fees
- 1050.1276 Payments to Contractors
- 1050.1277 Negative Amortization

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF OFFICE AND BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1050.1278 Negative Equity
1050.1280 Counseling Prior to Perfecting Foreclosure Proceedings

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section

- 1050.1305 Approval Notice
1050.1310 Inconsistent Conditions Prohibited
1050.1315 Avoidance of Commitment
1050.1320 Charges to Seller
1050.1325 Intentional Delay
1050.1330 No Duplication to Borrower of Seller's Costs
1050.1335 Fees and Charges
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<u>1050.2260</u>	<u>Loan Origination Practices</u>
<u>1050.2270</u>	<u>Enforcement</u>

1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet

1050.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987

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[205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; 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 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003; emergency amendment at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 10352, effective June 29, 2004; amended at 28 Ill. Reg. _____, effective September 21, 2004.

SUBPART S: PROVISIONAL REGISTRATION OF LOAN ORIGINATORS

Section 1050.2200 Purpose

- a) Section 7-1 of the Act requires that a Loan Originator register with the Director of the Division of Banks and Real Estate (Director) pursuant to administrative rules adopted by the Director. These emergency administrative rules provide for

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provisional registration of Loan Originators from July 1, 2004 through December 31, 2004. During this period of provisional registration, provided the Director issues a Provisional Certificate of Registration, the Loan Originator shall be in compliance with the registration requirement of Section 7-1 of the Act. All Provisional Certificates of Registration shall expire on December 31, 2004, subject to the conditions of this Subpart.

- b) During the period of provisional registration, a Loan Originator may apply for a regular initial, and annually renewable, Certificate of Registration. The procedure and requirements for this application will be set forth in general administrative rules adopted by the Director. Loan Originators who fail to submit a timely and complete application for a regular initial Certificate of Registration shall not be permitted to act as a Loan Originator after December 31, 2004.

(Source: Added at 28 Ill. Reg. _____, effective September 21, 2004)

Section 1050.2210 Definitions

"Act" means the Residential Mortgage License Act of 1987 [205 ILCS 635].

"Applicant" means a natural person that is applying for a Provisional Certificate of Registration under this Subpart.

"Licensee" means a person or entity licensed under the Act.

"Loan Originator" has the meaning given to the term in Section 1-4(hh) of the Act [205 ILCS 635/1-4(hh)].

"Part" means Part 1050 of Title 38 of the Illinois Administrative Code (38 Ill. Adm. Code 1050).

"Person" means a natural person.

"Subpart" means Subpart S of Part 1050 of Title 38 of the Illinois Administrative Code (38 Ill. Adm. Code 1050.Subpart S).

(Source: Added at 28 Ill. Reg. _____, effective September 21, 2004)

Section 1050.2220 Registration Required

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Pursuant to Section 7-1 of the Act, no person shall act or assume to act as a Loan Originator after June 30, 2004 unless registered with the Director under this Subpart. After June 30, 2004, no person or entity shall employ any person to act or assume to act as a Loan Originator unless the person is registered under this Subpart.

(Source: Added at 28 Ill. Reg. _____, effective September 21, 2004)

Section 1050.2230 Exemptions

The registration requirements of this Subpart do not apply to persons that act or assume to act as a Loan Originator exclusively as an employee of an exempt entity as defined in Section 1-4(d)(1) and 1-4(d)(1.5) of the Act; provided that the exempt entity assumes full and direct legal responsibility for the activities of the Loan Originator or the Loan Originator is subject to the examination and regulation of a federal depository institution regulator.

(Source: Added at 28 Ill. Reg. _____, effective September 21, 2004)

Section 1050.2240 Application for Provisional Certificate of Registration; Contents; Amendment

- a) No person shall be registered as a Loan Originator unless the person submits to the Director a complete application for Provisional Certificate of Registration as set forth in this Section. The application shall contain:
- 1) The name, home address, U.S. Postal Service mailing address, work address, e-mail address if available, date of birth, Social Security Number, and phone number of the applicant.
 - 2) The name, business address, Residential Mortgage License Number, Tax Identification Number, contact name, telephone number, and e-mail address of the applicant's current or prospective employer.
 - 3) A nonrefundable application fee payable to the Director in the amount of \$125 in the form of a certified check, money order, credit card charge, or other form authorized by the Director. Payment of this nonrefundable application fee shall be deemed to be payment of the nonrefundable application fee required for application for a regular initial Certificate of

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Registration but only if the applicant submits a complete application for a regular initial Certificate of Registration on or before December 1, 2004.

- b) The Applicant shall amend her or his application for Provisional Certificate of Registration whenever a change occurs that renders the information contained in the application not accurate in any material respect. The amendment shall be filed in writing within 5 business days after the change.
- c) The Director shall review the application in a timely manner and notify the applicant in writing of any material deficiencies. The Director may suspend processing of any application if the applicant fails to rectify deficiencies within 10 days of the Director's notice of the deficiencies.

(Source: Added at 28 Ill. Reg. _____, effective September 21, 2004)

Section 1050.2250 Issuance of Provisional Certificate of Registration; Effective Date; Conditions

- a) If the Director finds that the application for Provisional Certificate of Registration is complete, the Director shall issue a Provisional Certificate of Registration to the applicant's licensee employer as evidence of registration. If the applicant is not currently employed by a licensee, the Director shall retain the Provisional Certificate of Registration for later delivery to a licensee employer.
- b) The Provisional Certificate of Registration shall be in the form specified by the Director.
- c) The Provisional Certificate of Registration shall be for the use of the applicant only and shall not be assigned, transferred, or used by any other person or entity.
- d) The Provisional Certificate of Registration shall be effective from the date issued and shall in all cases expire on December 31, 2004 unless such expiration date is extended in writing by the Director; provided that the Provisional Certificate of Registration shall become ineffective immediately if the Provisional Certificate of Registration is suspended or revoked or if a regular initial Certificate of Registration is issued or denied by the Director.
- e) The holder of the Provisional Certificate of Registration shall amend the documents and information on file with the Director whenever a change occurs

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that renders any of the documents or information not accurate in any material respect. The amendment shall be filed with the Director in writing within 10 days after the change.

(Source: Added at 28 Ill. Reg. _____, effective September 21, 2004)

Section 1050.2260 Loan Origination Practices

- a) A Loan Originator shall act in compliance with applicable requirements and standards of the Act, this Part, and other law for the origination of residential mortgage loans.
- b) Each residential mortgage loan application file shall contain a separate document that sets forth the name, address, registration number, and employer of the Loan Originator that acted as the Loan Originator for the loan and the name of the borrower and purchaser and the address of the property purchased.
- c) The Loan Originator's Provisional Certificate of Registration shall be displayed on demand to the Director, law enforcement and regulatory officials, employing licensees, consumers, and their representatives.

(Source: Added at 28 Ill. Reg. _____, effective September 21, 2004)

Section 1050.2270 Enforcement

- a) In addition to any other action authorized by the Act, this Part, or other applicable law, the Director may revoke or suspend the Loan Originator's Provisional Certificate of Registration for violation of the Act, this Part, or other applicable law.
- b) In addition to any other action authorized by the Act, this Part, or other applicable law, the Director may revoke or suspend the Loan Originator's Provisional Certificate of Registration for submitting false or misleading information on the application for a Provisional Certificate of Registration.
- c) In addition to any other action authorized by the Act, this Part, or other applicable law, if the Director determines that a Loan Originator is engaged in or is believed to be engaged in activities that may constitute a violation of the Act, this Part, or other applicable law, the Director may issue a cease and desist order to compel

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the Loan Originator to comply with the Act, this Part, or other applicable law, or, upon a showing that an emergency exists, may suspend any Provisional Certificate of Registration for a period not exceeding 180 days, pending investigation.

(Source: Added at 28 Ill. Reg. _____, effective September 21, 2004)

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- 1) Heading of the Part: Massage Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1284
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1284.10	New Section
1284.20	New Section
1284.30	New Section
1284.40	New Section
1284.50	New Section
1284.60	New Section
1284.70	New Section
1284.80	New Section
1284.110	New Section
- 4) Statutory Authority: Implementing the Massage Licensing Act [225 ILCS 57]
- 5) Effective date of rules: September 21, 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 principal office and is available for public inspection.
- 9) Date Notice of Proposal published in Illinois Register: April 16, 2004; 28 Ill. Reg. 5999
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between proposal and final version: In Section 1284.20 concerning approved schools, specific hours allotted to different categories have been eliminated. "Supervised hands-on practice", as a separate requirement in subsection (2)(D), has been eliminated. Also, clarification has been added with respect to the requirements for faculty and faculty assistants. The renewal fee in Section 1284.50 has been changed from \$90 to \$87.50 on an annualized basis for consistency with the application fee. Clarification has also been made in Section 1284.10 concerning various means of obtaining a license under the grandfather provisions, and a specific deadline of October 31, 2005 has been added for applying under the grandfather provisions. Numerous technical changes have been made throughout to reflect the Department's name change.

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- 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 rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: Public Acts 92-860 and 93-524 established the Massage Licensing Act, requiring that, as of January 1, 2005, individuals practicing massage therapy must be licensed by the Department of Financial and Professional Regulation. This rulemaking implements the Act as amended by Public Act 93-908 (providing for fingerprinting of applicants) and provides qualifications and requirements for individuals in this State to obtain a license as a massage therapist. These rules will allow the Department to begin accepting and processing applications for licensure.

Section 1284.10 sets the qualifications for individuals who wish to apply under the grandfather provision, while Section 1284.30 establishes the regular application procedures. Education and curriculum requirements are delineated in Section 1284.20. Procedures for renewal or restoration of a license and conditions for the Director of the Department to grant a variance to these rules are also provided. Fees for certification and renewal, as well as general processing fees, are set forth in Section 1284.50.

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

Department of Financial and Professional Regulation
Division 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 Rules begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1284

MESSAGE LICENSING ACT

Section

1284.10	Requirements for Licensure Under Section 20 of the Act (Grandfather)
1284.20	Approved Massage Therapy School
1284.30	Application for Licensure
1284.40	Endorsement
1284.50	Fees
1284.60	Renewals
1284.70	Inactive Status
1284.80	Restoration
1284.110	Granting Variances

AUTHORITY: Implementing the Massage Licensing Act [225 ILCS 57] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 28 Ill. Reg. _____, effective September 21, 2004.

Section 1284.10 Requirements for Licensure Under Section 20 of the Act (Grandfather)

- a) Until October 31, 2005, the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) may issue a license to an individual who, in addition to meeting the requirements set forth in Section 15 of the Massage Licensing Act (Act), produces proof that he or she met at least one of the following requirements prior to the effective date of the Act (June 1, 2003):
 - 1) Has been an active member of a national professional massage therapy organization for a period of at least one year. The organization shall offer professional liability insurance and a code of ethics and must have been established prior to the year 2000. For purposes of this Section, active member does not include students;
 - 2) Has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

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- 3) Has practiced massage therapy an average of at least 10 hours per week for at least one year prior to June 1, 2003 and has completed 100 hours of formal training in massage therapy; or
 - 4) Has practiced massage therapy an average of at least 10 hours per week for at least 10 years prior to June 1, 2003.
- b) An individual who has practiced massage therapy for at least 10 hours per week for a minimum of one year prior to June 1, 2003, but has less than 100 hours of formal training, or an individual who has practiced for less than one year, but has 100 hours of formal training, may be issued a license under this Section, but must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2005.
- c) For purposes of this Section, "formal training" is described as a massage therapy curriculum approved by the Illinois State Board of Education or the Illinois Board of Higher Education or course work approved by the Division.

Section 1284.20 Approved Massage Therapy School

- a) The Division shall review an applicant's massage therapy training to determine if it meets the following criteria.
- 1) A minimum of 500 clock hours of supervised classroom and supervised hands-on instruction. For purposes of this subsection (a)(1), "supervised" means the supervisor is physically on-site, qualified and immediately available.
 - 2) The minimum required subject matter and activities are:
 - A) Human anatomy, physiology, pathology and kinesiology.
 - B) Massage therapy theory, technique and practice, which may include but is not limited to: effleurage/gliding; petrissage/kneading; compression; friction tapotement/percussion; vibration; direct pressure; superficial warming techniques; pumping; stretching; jostling; shaking; rocking.
 - C) Contraindications, benefits, universal precautions, body mechanics, history, client data collection, documentation, ethics,

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business and legalities of massage, professional standards including draping and modesty, therapeutic relationships and communications.

- 3) Each student must maintain a minimum grade of 70% for all massage therapy related course and clinical work as described in this Section.
- b) A massage therapy school must meet the following minimum criteria:
- 1) Maintain a written program philosophy, objectives and plan of organization;
 - 2) Have written plans of study, including prerequisite, requisite, and elective courses;
 - 3) Maintain course outlines or syllabi for all massage therapy courses;
 - 4) Provide a student handbook;
 - 5) Have a faculty that consists of a sufficient number of full and part-time instructors to ensure that the educational obligations to the student are fulfilled. Lab/clinical/community course core (lead) faculty must demonstrate competence in their respective areas of teaching as evidenced by a minimum of 2 years or 2000 hours of experience in their field. Human sciences course core (lead) faculty (anatomy, pathology, physiology) must demonstrate competence in their respective areas of teaching as evidenced by a minimum of 2 years or 2000 hours experience in their field and/or by appropriate degrees/certificates from approved colleges/schools/institutions;
 - 6) If a school utilizes faculty assistants, it shall establish and maintain policies that set forth qualifications, duties and procedures for use of these personnel. Faculty assistants shall not be used as substitutes or replacements for regular faculty; shall not be responsible for the overall evaluation of any student; and shall work under the direct supervision of approved faculty;
 - 7) Maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance;

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- 8) The ratio of students to faculty in the lab/clinical/community area shall not exceed 20 students to 1 instructor with no more than 10 student therapists and 10 serving as clients; and
- 9) All hands-on practice must be done on a living human being.

Section 1284.30 Application for Licensure

- a) Any applicant for a massage therapy license who does not meet the requirements of Section 1284.10 (grandfather) shall meet all of the following requirements:
 - 1) The applicant is at least 18 years of age and of good moral character;
 - 2) Certification of one of the following:
 - A) Has successfully completed the curriculum or curriculums of one or more massage therapy schools that require a minimum of 500 hours and passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Division; or
 - B) Has moved to Illinois from a jurisdiction with no licensure requirement and has provided documentation that he or she has successfully passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Division and maintains current certification;
 - 3) Either:
 - A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing; or
 - B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; and

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- 4) Pay the required fee specified in Section 1284.50.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Massage Licensing Board (Board) to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

Section 1284.40 Endorsement

- a) An applicant who is currently licensed under the laws of another jurisdiction and who wishes to be licensed as a massage therapist by endorsement shall file an application with the Division, on forms provided by the Division, that shall include:
 - 1) Certification, on forms provided by the Division, of successful completion of an approved massage therapy program in accordance with Section 1284.20. Should an applicant not meet the required number of classroom/hands-on hours, the Division may require completion of additional coursework prior to licensure;
 - 2) Certification from the jurisdiction of original licensure and the state in which the applicant is currently licensed and practicing, if other than the original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains records of any disciplinary actions taken or pending, and the applicant's license number;
 - 3) A report of the applicant's examination record forwarded directly from the test reporting service;
 - 4) Complete work history since graduation from the massage therapy program;
 - 5) Either:

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- A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing; or
 - B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; and
- 6) The required fee specified in Section 1284.50.
- b) The Division shall examine each endorsement application to determine whether the requirements in the jurisdiction on the date of licensure met the requirements then in force in this State and whether the applicant has otherwise complied with the Act.

Section 1284.50 Fees

The following fees shall be paid to the Division and are not refundable:

- a) **Application Fees**
The fee for application for a license as a massage therapist is \$175.
- b) **Renewal Fees**
The fee for the renewal of a license shall be calculated at the rate of \$87.50 per year.
- c) **General Fees**
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to exceed \$470.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.

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- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as massage therapists in this State shall be the actual cost of producing the roster.

Section 1284.60 Renewals

- a) Every massage therapy license issued under the Act shall expire on December 31 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew a license or pay the renewal fee.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 45 of the Act.

Section 1284.70 Inactive Status

- a) Licensed massage therapists who notify the Division, on forms provided by the Division, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Division in writing of the intention to resume active practice.
- b) Any licensed massage therapist seeking restoration from inactive status shall do so in accordance with Section 1284.80 and pay the current renewal fee.

Section 1284.80 Restoration

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- a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of all lapsed renewal fees.
- b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, including the applicant's work history since the license expired, and the required fee. The person shall also submit one of the following:
 - 1) Certification of current licensure from another state or territory, completed by the appropriate state board, and proof of current active practice; or
 - 2) An affidavit attesting to military service as provided in Section 70 of the Act. If application is made within 2 years of discharge, and if all other provisions of Section 70 of the Act are satisfied, the applicant shall pay the current renewal fee but will not be required to pay a restoration fee or any lapsed renewal fees.

Section 1284.110 Granting Variances

- a) The Director of the Division of Professional Regulation of the Department of Financial and Professional Regulation (Director) may grant variances from this Part in individual cases where he or she finds that:
 - 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

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- 1) Heading of the Part: Animal Welfare Act
- 2) Code Citation: 8 Ill. Adm. Code 25
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
25.10	Amend
25.20	Amend
25.30	Amend
25.40	Amend
25.45	Add
25.50	Amend
25.80	Amend
25.90	Amend
25.110	Amend
25.120	Amend
25.130	Amend
25.150	Add
- 4) Statutory Authority: Animal Welfare Act [225 ILCS 605] and Illinois Diseased Animals Act [510 ILCS 50]
- 5) Effective date of amendments: October 1, 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 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: May 28, 2004; 28 Ill. Reg. 7351
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: The definition of "companion animal" was added in Section 25.10. In Section 25.40(c), fish are excluded. There were other non-substantive changes regarding spelling and grammar.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A

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- 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 amendments: Definitions are being added for “companion animal” and “exotic or non-domesticated animals”.

References are being added for the Companion Animal Cremation Act, the Illinois Humane Euthanasia in Animal Shelters Act, the Illinois Diseased Animals Act and citations to the Code of Federal Regulations are being updated to the 2004 edition.

Conditions for maintaining animals are being updated and revised. All animals entering Illinois will be required to be accompanied by a certificate of veterinary inspection, and exotic or non-domestic animals will be required to obtain a permit from the Department prior to entry.

Records will be required on the sale of all exotic or non-domesticated animals in Illinois and the records must be available for inspection during regular working hours. Licensees, shelters and animal control facilities will be required to annually report the number of dogs, puppies, cats, kittens and exotic or non-domesticated animals received, sold, adopted, euthanized or reclaimed.

Civets, servals, and hybrid animals are being added to the list of animals prohibited for sale.

- 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
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 25
ANIMAL WELFARE ACT

Section

25.10	Definitions
25.15	Incorporations By Reference
25.20	Buildings and Premises
25.30	General Care of Animals
25.40	<u>Dogs and Other Companion Animals</u> Dogs Brought into Illinois
<u>25.45</u>	<u>Importation of Exotic or Non-Domestic Animals; Permit</u>
25.50	Shipment of Mammals and Birds
25.60	Health of Animals at Time of Release
25.70	Department May Restrict The Sale of Animals
25.80	Quarantine
25.90	Records
25.100	Consent Statement and Inspection
25.110	Animals Prohibited from Sale
25.115	Guard and Sentry Dogs
25.120	Boarding and Training
25.130	Animal Control Facilities and Animal Shelters
25.140	Foster Homes
<u>25.150</u>	<u>Illinois Diseased Animals Act</u>

AUTHORITY: Implementing and authorized by the Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50].

SOURCE: Regulations Relating to the Animal Welfare Act, filed May 17, 1974, effective May 27, 1974; amended October 6, 1976, effective October 16, 1976; codified at 5 Ill. Reg. 10438; amended at 7 Ill. Reg. 1724, effective January 28, 1983; amended at 12 Ill. Reg. 8265, effective May 2, 1988; amended at 13 Ill. Reg. 3628, effective March 13, 1989; amended at 18 Ill. Reg. 14898, effective September 26, 1994; amended at 20 Ill. Reg. 265, effective January 1, 1996; amended at 23 Ill. Reg. 9758, effective August 9, 1999; amended at 28 Ill. Reg. _____, effective October 1, 2004.

Section 25.10 Definitions

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"Animal" as used in this Act means any mammal, bird, fish, or reptile offered for sale, trade, or adoption or for which a service is provided by any person licensed under this Act.

"Companion animal" means an animal that is commonly considered to be, or is considered by the owner to be, a pet. Companion animal includes, but is not limited to, canines, felines and equines.

"Exotic or non-domesticated animals" means mammals (including non-human primates), reptiles and birds that are not native to North America and are not normally maintained livestock (llamas, ratites, cervids and similar animals are considered livestock under this definition) or native mammals that are not domesticated and normally maintained as pets (i.e., prairie dogs). Not included in this definition are hamsters, guinea pigs and gerbils or any member of the species felis catus that have been domesticated or canis familiaris.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 25.20 Buildings and Premises

- a) All buildings and premises shall be maintained in a sanitary condition and the licensee shall:
- 1) Have covered, leak-proof containers available for storage of waste materials before disposal to control vermin and insects. Such containers shall be maintained in a sanitary condition.
 - 2) Dispose of dead animals in compliance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and rules enacted pursuant to that law (8 Ill. Adm. Code 85) or the Companion Animal Cremation Act [815 ILCS 381]. Compliance with this State Law shall not exempt licensee from compliance with local ordinances.
 - 3) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.
 - 4) Provide water from a source having sufficient pressure to properly sanitize and clean kennels, runs, equipment, and utensils.

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- 5) Provide hand washing facilities.
- b) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for ~~isolation~~separation of diseased animals and their waste to avoid exposure to healthy and salable animals.
- c) Floors of buildings housing or displaying animals shall be of permanent construction to enable thorough cleaning and sanitizing. Dirt and unfinished wood floors are unacceptable. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste.
- d) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing.
 - 1) The cages must be cleaned and sanitized at least once daily, or more often if necessary.
 - 2) All empty cages shall be kept clean at all times.
 - 3) Cages shall be of sufficient size to allow the animal to comfortably stand, sit, or lie, and offer freedom of movement.
 - 4) An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2; ~~20041999~~) shall be maintained for warmblooded animals. In the case of coldblooded animals, the temperature that is compatible to the well-being of the species shall be maintained.
- e) Runs shall be constructed of material of sufficient strength and design to confine the ~~animals~~animal(s).
 - 1) They shall be kept in good repair and condition.
 - 2) For new construction or remodeling, the licensee shall provide runs surfaced with concrete or other impervious material.
 - 3) Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste.
 - 4) Provisions must be made for adequate drainage, including gutters and

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discharge of any fluid or content into a sewer, septic tank or filter field, and shall comply with any local zoning.

- f) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2½ times the body volume of living creatures contained therein.
- g) If animals are group-housed, they shall be maintained in compatible groups without overcrowding. No female ~~animal~~~~dog or cat~~ in estrus shall be placed in a pen with male animals, except for breeding purposes.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 25.30 General Care of Animals

- a) All persons or establishments licensed under this Act shall comply with all Sections of the Humane Care for Animals Act [510 ILCS 70].
- b) Sufficient clean water and fresh food shall be offered to each animal daily as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5-3.7; ~~20041999~~). In the case of young animals, they shall be fed more than once daily. Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.
- c) The licensee or his representative shall be present for general care and maintenance of the animals at least once daily.
- d) Aquariums containing fish shall be kept in a clean healthful condition. Live algae shall not be considered an unhealthful condition. Any dead fish shall be removed from aquariums.
- e) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often if necessary.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 25.40 Dogs and Other Companion Animals Dogs Brought into Illinois

- a) Dogs of any age brought into Illinois shall be accompanied by an official health

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certificate issued within 30 days prior to entry, showing the age, sex, breed, and description of each animal; that the animals in shipment are free from visible evidence of communicable diseases; that they originated in an area not under quarantine because of rabies; and that all animals over 16 weeks of age have been vaccinated against rabies as set forth in Section 30.90 of the rules for the Illinois Animal Control Act (8 Ill. Adm. Code ~~Part~~ 30). A copy of the health certificate bearing the approval of the Animal Health Official of the state of origin shall be filed with the Department.

- b) "This rule shall not apply to dogs consigned to hospitals, pharmaceutical companies, or licensed research institutions for research or teaching, nor to performing dogs or dogs brought in for a limited period of time for exhibition or breeding purposes and kept under direct control while in Illinois."*

AGENCY NOTE* Quoted from Section 30.10 of the rules for the Animal Control Act (8 Ill. Adm. Code ~~Part~~ 30).

- c) All other companion animals, except fish, entering Illinois for sale or resale shall be accompanied by a certificate of veterinary inspection issued within 30 days prior to entry showing the age, sex and number of animals in the shipment. The certificate of veterinary inspection must also indicate that the animals are free from visible evidence of communicable diseases.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 25.45 Importation of Exotic or Non-Domestic Animals; Permit

- a) All exotic or non-domestic animals, including prairie dogs, entering Illinois 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 or 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;

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- 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.
- c) Permits:
 - 1) Permits will be issued by telephoning or writing the Department.
 - 2) Applicants for permits shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination;
 - B) Name and address of consignor;
 - C) Number and species of animals in shipment; and
 - D) United States Department of Agriculture license numbers.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or any Section of this Part; and
 - B) Presence of a disease that might endanger the Illinois livestock or companion animal industry or pose a threat to public health.

(Source: Added at 27 Ill. Reg. _____, effective October 1, 2004)

Section 25.50 Shipment of Mammals and Birds

- a) Animals shall be transported in crates constructed of a smooth, durable material which is easily cleaned and shall:
 - 1) Have a solid floor which may have a false bottom above it.
 - 2) Be so constructed as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19; ~~20041999~~) as to provide maximum safety for the particular animal or animals being transported.

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- 3) Have openings on 2 sides and the top to assure adequate ventilation.
- b) In all cases, the crates shall be large enough to provide space for the animals to lie down in an extended position and to allow ease of movement when standing or turning around as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19; ~~20041999~~). When the temperature is over 85° F., increased space shall be provided within reason.
- c) The crates shall be cleaned before use for each trip.
- d) Food and water containers shall be cleaned and sanitized before each trip.
- e) If bedding is used it shall be clean, dry, and relatively dust-free.
- f) Animals in transit for 4 or more hours shall be offered food 2 hours before loading and fresh water about 30 minutes before loading.
- g) The person or persons responsible for the welfare of the animal or animals while in transit shall:
 - 1) Offer the animals food at least once each 24 hours, except that newly weaned young shall be offered suitable food at 4-hour intervals.
 - 2) Offer all animals water at ~~8~~¹² hour intervals at least, except that water shall be offered at ~~2~~⁴ hour intervals when the temperature reaches 90° F.
 - 3) Clean the crate or crates at least every 24 hours and, if bedding is used, shall provide clean bedding.
 - 4) Inspect each animal at 4-hour intervals, or oftener.
- h) No female obviously near parturition shall be transported.
- i) Trucks transporting animals shall provide protection from the sun in hot weather, and protection from cold weather. Adequate ventilation shall be provided in hot weather, and the trucks shall be draft-free in cold weather. Provisions shall be made for warming an area carrying weaned young if the temperature falls below 50° F., and for unweaned young if the temperature falls below 65° F.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

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Section 25.80 Quarantine

- a) The Director of the Illinois Department of Agriculture may order a quarantine as prescribed in the Illinois Diseased Animals Act [510 ILCS 50] and 8 Ill. Adm. Code 85 placed on the entire premises of the licensee, on a specific species of animals, or on a specific group of animals for any one of the following:
- 1) Excessive parasitism.
 - 2) General malnutrition.
 - 3) Contagious ~~Presence of contagious disease on premises.~~
- b) This quarantine may be placed after consultation with licensee or his duly authorized representative concerning the nature, frequency, and extent of the disease or diseases involved.
- c) Conditions not specified above may be cause for quarantine at the discretion of the Director of the Illinois Department of Agriculture.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 25.90 Records

- a) Records ~~Record~~ of each sale of a dog, cat, or non-human primate, or exotic or non-domesticated animal, including prairie dogs, sale shall be maintained by the licensee for a minimum period of 12 months after date of sale or transfer of animal, and shall include the source of animal, date of sale, description and sex of animal sold, and the name and address of purchaser. Records of sales of small mammals (i.e., hamsters, mice, gerbils or rats that were born in the United States), birds, and fish are not required. These records must be available for inspection during normal business hours by Department employees or persons designated by the Department. Each licensee must report to the Department the number of dogs, puppies, cats, kittens and exotic or non-domesticated animals sold for the previous calendar year at the time of license renewal. Shelters and animal control facilities must report to the Department the total number of dogs, cats and other animals received, adopted, euthanized or reclaimed by the owner for the previous calendar year at the time of license renewal.

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- b) If record of prophylactic medication is used in advertisement or is furnished the purchaser or person acquiring an animal, specific information regarding type, amount, and date of prophylactic medication shall be kept by the licensee and shall become a part of the retail sales record.
- c) The licensee or his representative shall furnish the purchaser of a dog, cat or non-human primate a written statement at the time of sale. The statement shall show:
- 1) Date of sale and date of birth, if known.
 - 2) Name, address, and telephone number of licensee.
 - 3) Name, address, and telephone number of purchaser.
 - 4) Breed and description of dog, cat or non-human primate, including age, sex and weight of the animal.
 - 5) Prophylactic immunizations and dates administered.
 - 6) Internal parasite medicationsmedication(s) and datesdate(s) administered.
 - 7) A record of sterilization or lack of sterilization.
 - 8) Guarantee, if offered; if none, so state.
 - 9) If the dog or cat is being sold as being capable of registration, the name and registration numbers of the sire and dam and registry information.

This information may be recorded on Department Form PS-5 (Animal Welfare Release Statement), or on a similar form prepared by the licensee and approved in advance by the Department.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 25.110 Animals Prohibited from Sale

- a) Licensees shall not offer skunks for sale as pets ~~as prescribed in Section 3.25 of the Wildlife Code [520 ILCS 5/3.25].~~

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- b) Licensees shall not offer for sale those animals the ownership of which would constitute a violation of Section 1 of the Illinois Dangerous Animals Act [720 ILCS 585/1]. These include the following animals and any hybrids thereof: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, ~~Canada~~-lynx, bobcat, jaguarundi, civet, serval, hyena, bear, wolf or coyote, or any poisonous or life-threatening reptile. A life-threatening reptile is any member of the crocodylian family or any constricting snake six feet or over in length, such as boa, python, and anaconda. This does not include any canine or feline breeds registered by the American Kennel Club, the United Kennel Club, the Cat Fancier's Association or the International Cat Association.
- c) Licensees shall not possess or offer for sale turtle or viable turtle eggs which would constitute a violation of Section 264 of the Public Health Service Act (42 USCA 264), the rules for that Act (21 CFR 1240.62; ~~20041999~~) and Section 3372 of the Lacey Act (16 USCA 3372).

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 25.120 Boarding and Training

Persons licensed as kennel operators shall comply with the following rules, in addition to 8 Ill. Adm. Code 25.10 through 25.110:

- a) Records shall be maintained for a period of ~~twelve (12)~~ months after the boarding or training is completed. The record shall state the owner's name, address, and telephone number; expected duration of the stay; service to be provided; and owner's agent for emergency contacts.
- b) No dog or cat shall be accepted for boarding or training unless it has been vaccinated for distemper and proof of such vaccination has been furnished to the kennel operator. (Exemption to distemper vaccination requirement is available upon written recommendation from owner's veterinarian.) Any dog accepted must be in compliance with the rabies vaccination requirements of the Illinois Animal Control Act [510 ILCS 5].
- c) Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee, and a record kept of the examination and treatment.
- d) In the event an animal dies while being boarded or while in training, the body

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shall be handled in one of the following ways:

- 1) The body preserved by refrigeration or freezing until examined or returned to the owner. The body is to be held for at least one week after the time the owners are scheduled to return, after which time the body may be disposed of in compliance with the Illinois Dead Animal Disposal Act [225 ILCS 610] or the Companion Animal Cremation Act [815 ILCS 318]; or
 - 2) Bodies are to be submitted to a licensed veterinarian and a necropsy performed at the kennel operator's expense, unless prior agreement for payment of such services by the owner is made. A copy of the necropsy report is to be given to the owner.
- e) Animals shall not be group-housed at any time, unless they are owned by the same person and are compatible.
- f) If the owners of animals do not appear or contact the kennel operator within ~~thirty~~ (30) days of their stated return time, the kennel operator has the right to dispose of the animal.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 25.130 Animal Control Facilities and Animal Shelters

Persons licensed to operate Animal Control Facilities and Animal Shelters shall comply with the Illinois Humane Euthanasia in Animal Shelters Act [510 ILCS 72], the Humane Care for Animals Act [510 ILCS 70], and the following rules, in addition to the other rules already prescribed.

- a) Licensee shall make a record of each animal received, including the date it was received, the source, and the eventual disposition.
- b) Euthanasia shall be done in compliance with the Humane Euthanasia in Animal Shelters Act [510 ILCS 72]. If the species is not covered by the Act, the most recent American Veterinary Medical Association Panel on Euthanasia guidelines shall be used. Under no circumstances can unacceptable agents or methods of euthanasia be used. Approved equipment as described in the Journal of the American Veterinary Medical Association, 930 North Meacham Road, Schaumburg, Illinois 60196 (January 15, 1993) shall be used for euthanasia.

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- c) Licensee shall accept any animal for which the person wishing to dispose of the animal is willing to sign an affidavit of ownership giving his name, address, telephone number, reasons for wishing to dispose of the animal, and description of the animal, including distinguishing marks and pertinent medical information, if any.
- d) Any animal presented to an animal control facility or shelter in an injured, diseased, or ill condition shall be examined by and, if feasible, treated by a licensed veterinarian as soon as possible. If the veterinarian deems that, for humane reasons, the animal should be euthanized, his recommendations for euthanasia shall be followed.
- e) Licensee operating an animal control facility for a municipality or other political subdivision shall, in a conspicuous place at the establishment, post the hours the facility will be open with an attendant on duty to release estrayed pets back to their owner. Any expense incurred during the period of impoundment shall be paid by the owner prior to release of the impounded animal.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 25.150 Illinois Diseased Animals Act

All persons licensed under this Part must also comply with the provisions of the Illinois Diseased Animals Act [510 ILCS 50] and 8 Ill. Adm. Code 85.

(Source: Added at 28 Ill. Reg. _____, effective October 1, 2004)

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- 1) Heading of the Part: Humane Care for Animals Act
- 2) Code Citation: 8 Ill. Adm. Code 35
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
35.5	Add
35.10	Amend
- 4) Statutory Authority: Humane Care for Animals Act [510 ILCS 70]
- 5) Effective date of amendments: October 1, 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 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: May 28, 2004; 28 Ill. Reg. 7366
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: A new Section 35.5, Definitions, has been added. In Section 35.10(g), the appointment as an approved humane investigator shall be for a two-year period beginning on January 1 and expiring on December 31 of the following year. Also in the title of Section 35.10, "Termination" has been stricken and replaced with "Suspension". There were other non-substantive grammatical changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 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 amendments: A new section for definitions is being added. The definition of approved humane investigator is being amended to include persons from governmental agencies that have been officially designated by their agency. Grounds for suspension of an approved humane investigator have been expanded.

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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
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 b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)PART 35
HUMANE CARE FOR ANIMALS ACT

Section

35.5	Definitions
35.10	Approved Humane Investigator; Qualifications; Requirements; Suspension Termination ; Reports; Appointment Period
35.20	Notice of Violation; Impoundment Procedure (Repealed)
35.30	Administrative Hearings

AUTHORITY: Implementing and authorized by the Humane Care for Animals Act [510 ILCS 70].

SOURCE: Rules and Regulations Relating to Humane Care for Animals, filed December 14, 1973, effective December 24, 1973; codified at 5 Ill. Reg. 10441; amended at 7 Ill. Reg. 865, effective January 10, 1983; amended at 8 Ill. Reg. 5936, effective April 23, 1984; amended at 9 Ill. Reg. 4498, effective March 22, 1985; amended at 18 Ill. Reg. 14909, effective September 26, 1994; amended at 28 Ill. Reg. _____, effective October 1, 2004.

Section 35.5 Definitions

"Approved humane investigator" or "Department investigator" means a person employed by or approved by the Department to determine whether there has been a violation of the Humane Care for Animals Act or an animal control warden or animal control administrator appointed under the Animal Control Act.

"Humane society" means any chartered, not for profit organization authorized to do business in this State and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

"Governmental agency" means any local, municipal, county and/or State law enforcement agency.

(Source: Added at 28 Ill. Reg. _____, effective October 1, 2004)

Section 35.10 Approved Humane Investigator; Qualifications; Requirements;

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Suspension~~Termination~~; Reports; Appointment Period

Persons, when submitting an application for appointment as an approved humane investigator~~Approved Humane Investigator~~, will furnish the following information: name, address, telephone number; name and address of the humane society~~Humane Society or governmental agency~~ with whom they are affiliated, and a brief resume of their experience and education, both practical and formal, relative to the humane care of animals.

- a) Qualifications for appointment as an approved humane investigator~~Approved Humane Investigator~~ shall include:
- 1) Membership in or employment by a humane society, as defined in Section 2.05 of the Act, or other individual so designated by official action of that particular humane society's board of directors, or any law enforcement officer who has been officially designated by the governmental agency responsible for his/her action or duty;
 - 2) Responsibility to his/her~~his or her~~ organization, in compliance with all administrative rules issued by the Department;
 - 3) Demonstration of satisfactory knowledge of the~~this~~ Act and its applications by oral and written examination to be given by the Department at times to be designated ~~and as needed~~ by the Department as needed.
 - A) Knowledge of how to conduct and complete an investigation, including legally guided knowledge of how to file charges if required.
 - B) Applicant shall have a high school diploma or its equivalent and two years experience raising, caring for or breeding the particular species of animal being investigated.
- b) The Department shall require additional consultation and training when the applicant does not have experience in caring for certain animals that could reasonably be encountered in the performance of his/her duties or has no experience in conducting investigations and the proceedings that accompany such investigations.
- c) An approved humane investigator~~Approved Humane Investigator~~ shall comply with the following:

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- 1) Cooperation, whenever possible, with other approved humane investigators~~Approved Humane Investigators~~ or law enforcement authorities, if requested, to aid in an investigation of complaints relative to the care and treatment of animals;
 - 2) Except when so authorized by the Department, no approved humane investigator~~Approved Humane Investigator~~ shall represent himself/herself, at any stage in the conduct of an investigation, as acting directly in behalf of or as an agent of the Department.
- d) An approved humane investigator shall be suspended for any of the following reasons: All hearings for termination of approval as a Humane Investigator will be conducted in accordance with 8 Ill. Adm. Code 35.30. The appointment as an Approved Humane Investigator will be terminated following hearing for:
- 1) Material misstatement in the original application;
 - 2) Wilful disregard or violation of the Humane Care for Animals~~this~~ Act or rules issued pursuant to that Act~~thereto~~;
 - 3) Pursuing a continued course of misrepresentation or false statements regarding investigations relative to humane care of animals after a warning letter is given;
 - 4) Failure to perform his/her investigational duties and enforcement of the Humane Care for Animals Act or rules ~~issued pursuant thereto~~;
 - 5) Loss of membership in or employment by a humane society as defined in subsection~~Section~~ 35.10(a)(1) or on written request of the society's~~by their~~ board of directors;
 - 6) Failure to perform job duties, including failure to promptly submit documents in a case where enforcement actions have been taken (i.e., Notice of Violation, impoundments or prosecution); and
 - 7) Conduct, while performing duties, that is unprofessional or contrary to customary investigative procedures.
- e) Reinstatement following suspension as an approved humane investigator requires the suspended investigator to submit a new application and to successfully

DEPARTMENT OF AGRICULTURE

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[complete the requirements for becoming an approved humane investigator \(see subsection \(a\)\).](#)

- fe)** All ~~approved humane investigators~~**Approved Humane Investigators** shall prepare and submit to the Department an annual report on forms furnished by the Department. It shall contain the species and number of animals involved, and total number of investigations performed that calendar year. The annual report shall be filed by April 1 for the preceding calendar year's activity.
- gf)** The appointment as an ~~approved humane investigator~~**Approved Humane Investigator** shall be for ~~a two-year period beginning 2 years or for any portion thereof and shall be renewable~~ on January 1 ~~and expiring on December 31 of the following year of even-numbered years~~. The reappointment procedure shall be the same procedure used for the original appointment as set forth in this Section. Qualifications for reappointment as an ~~approved humane investigator~~**Approved Humane Investigator** shall be as set forth in ~~subsection Section 35.10(a)~~.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Section Number: 40.250 Adopted Action: Amend
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640]
- 5) Effective date of amendment: October 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: May 28, 2004; 28 Ill. Reg. 7371
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between proposal and final version: The original proposal called for the animal to be "C" punched in the left ear; the final version indicates that the animal may be "C" punched in either ear.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: When an animal is presented at auction market by the owner and is designated as being sold for slaughter only, the animal shall be "C" punched in either ear.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281
217/785-5713
Facsimile: 217/785-4505

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
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PART 40
LIVESTOCK AUCTION MARKETS

Section

40.5	Definitions
40.10	Fee to Accompany Application Not To Be Refunded
40.20	Release of Livestock for Interstate Shipment
40.30	Veterinary Inspection
40.40	Veterinary Office
40.50	Detection of Diseased Animals
40.60	Bovine Brucellosis
40.70	Quarantine Pen
40.80	The Sale of Livestock for Immediate Slaughter
40.90	Test Chute
40.100	Brucellosis Test
40.110	Sale of Official Brucellosis Calfhod Vaccinates
40.120	Feeder Cattle Subject to Quarantine
40.130	Backtagging
40.140	Yarding and Housing
40.150	Display License (Repealed)
40.160	Sale Day
40.170	Swine
40.180	Swine Which React to Test for Brucellosis
40.190	Sheep and Goats
40.200	Surety Bonds and Other Pledged Security
40.210	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220	Swine Movement Limitations (Repealed)
40.230	Disposition of Rejected Feeding or Breeding Swine
40.240	Director To Be Named Trustee (Repealed)
40.250	Animals Designated for Slaughter Only

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640] and Section 205-410 of the Civil Administrative Code of Illinois [20 ILCS 205/205-410].

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective

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December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20 Ill. Reg. 1546, effective January 12, 1996; amended at 20 Ill. Reg. 16192, effective January 1, 1997; amended at 21 Ill. Reg. 17085, effective January 1, 1998; amended at 23 Ill. Reg. 441, effective January 1, 1999; amended at 23 Ill. Reg. 9780, effective August 9, 1999; amended at 26 Ill. Reg. 127, effective January 1, 2002; amended at 26 Ill. Reg. 14624, effective September 23, 2002; amended at 28 Ill. Reg. _____, effective October 1, 2004.

Section 40.250 Animals Designated for Slaughter Only

When an animal is presented at an auction market by the owner and is designated as being sold for slaughter only, the animal shall be "C" punched in ~~either~~~~the~~ ~~right~~ ear. The "C" punch must be a minimum of one inch tall. The animal shall be placed in the slaughter pen and cannot be sold, other than for slaughter. The consignor shall sign a form stating that the animal cannot be sold for any reason other than for slaughter and that the animal must be "C" punched prior to sale. These forms must be sent to the Department on a weekly basis, together with the name and address of the purchaser of the animal.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

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- 1) Heading of Part: Bovine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 75
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
75.5	Amend
75.10	Amend
- 4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30]
- 5) Effective date of amendments: October 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: May 28, 2004; 28 Ill. Reg. 7375
- 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? N/A
- 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: All citations to the Code of Federal Regulations are being updated to the 2004 edition.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62794-9281

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
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PART 75
BOVINE BRUCELLOSIS

Section

75.5	Definitions
75.7	Incorporation by Reference
75.10	Official Classification of the Results of the Brucellosis Blood Test
75.15	Permits to Conduct Official Brucellosis Tests
75.20	Reports Required
75.30	Tests Conducted at State Expense or for Interstate or Export Shipment
75.40	Tests Conducted at Owner's Expense for Intrastate Movement (Repealed)
75.50	Indemnity
75.60	Identification of Cattle or Bison
75.70	Herds Revealing Reactors
75.80	Sale of Suspects and Negative Animals From Quarantined Herds
75.90	Release of Herds or Cattle or Bison Under Quarantine
75.100	Herds Revealing Suspects Only
75.110	Identification Tags
75.120	Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison
75.130	Feeding or Grazing Cattle
75.140	Sale of Quarantined Feeding or Grazing Cattle
75.150	Cattle or Bison for Immediate Slaughter
75.160	Female Cattle – Beef Breeds – 18 Months and Over
75.170	Release of Feeding or Grazing Cattle from Quarantine
75.180	Dairy or Breeding Cattle or Bison
75.190	Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States
75.200	Slaughter Cattle and Bison from Class B or Class C States
75.210	Official CalfhooD Vaccination
75.220	Recognition of Brucellosis State Status
75.TABLE A	Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison (Repealed)
75.TABLE B	Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)

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NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, p. 96, effective August 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 28, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990; amended at 18 Ill. Reg. 1833, effective January 24, 1994; amended at 20 Ill. Reg. 1509, effective January 12, 1996; amended at 20 Ill. Reg. 16181, effective January 1, 1997; amended at 21 Ill. Reg. 17040, effective January 1, 1998; amended at 23 Ill. Reg. 397, effective January 1, 1999; amended at 23 Ill. Reg. 9764, effective August 9, 1999; amended at 28 Ill. Reg. _____, effective October 1, 2004.

Section 75.5 Definitions

The definitions for this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following definition shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by such breed association. The breed associations recognized by the Department are those recognized by the United States Department of Agriculture (9 CFR 51.1, [20041999](#)).

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

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- a) The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, February 1, 1998) and the United States Department of Agriculture and/or 9 CFR 78.1 ([2004+999](#)).
- b) The card (Buffered Brucella Antigen) test and Buffered Acidified Plate Antigen (BAPA) test shall be the official tests used at licensed livestock auction markets in the State. The CITE (Registered) test shall be used as an optional supplemental test whenever the card test is used.
- c) The official brucellosis test for cattle or bison imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Section Numbers: Adopted Action:
85.15 Amend
85.55 Amend
85.75 Amend
85.80 Amend
85.115 Amend
80.150 Amend
- 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: October 1, 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 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: May 28, 2004; 28 Ill. Reg. 7380
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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? N/A
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: The United States Department of Agriculture (USDA) adopted the Uniform Methods and rules for scrapie eradication effective

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October 1, 2003. The Department has amended Sections 85.55 and 85.80 to adopt this document. In addition, all citations to the Code of Federal Regulations are being updated to the 2004 edition.

- 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
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
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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 13, 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; amended at 28 Ill. Reg. _____, effective October 1, 2004.

Section 85.15 Truck Cleaning and Disinfection

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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; 20042003).

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 85.55 Scrapie in Sheep and Goats

- a) The Scrapie Eradication Uniform Methods and Rules (U.S. Department of Agriculture, AHPIS 91-55-066, effective October 1, 2003) is the basis of the scrapie program within the State, except where modified by this Part.
- ba) No sheep or goats ~~that~~which are known to be from an infected or source herd or flock, or considered to be suspect or high risk animals, (9 CFR 79; 2003) and no progeny of sheep or goats known to be from an infected or source herd or flock shall be transported or moved into or within the State of Illinois, except as provided for in this Part in 8 Ill. Adm. Code 40.190(e). Any sheep or goat entering Illinois from a U.S. Department of Agriculture Pilot Project Herd or Flock must be approved for import by the Department and be accompanied by a Certificate of Veterinary Inspection.
- cb) Scrapie monitored herds or flocks may be established and maintained in accordance with the Voluntary Scrapie Flock Certification Program Standards.
- de) When a herd or flock has been designated as an infected or source herd or flock, the herd or flock will be placed under quarantine and will remain under quarantine until the herd or flock has been depopulated, enters into the Voluntary Scrapie Flock Certification Program, or develops an approved herd or flock plan (9 CFR 79.1 (2003)). No animals will be allowed to move from the quarantined herd or flock except for slaughter, research, ~~or~~ medical treatment or examination, and must be accompanied by VS Form 1-27.
- e) Any animal that has been determined to be a high risk animal will be restricted to the herd or flock and cannot be moved from the herd or flock unless accompanied by VS Form 1-27 and moved only for medical treatment or research or directly to slaughter.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 85.75 Cattle Scabies – Additional Requirements on Cattle from Certain

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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.
- 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 (~~20042003~~).
- 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; ~~20042003~~).

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 85.80 Sheep and Goats

- a) All sheep and goats entering Illinois for breeding, exhibition or feeding purposes, except for sheep or goats consigned directly to ~~an approved~~ livestock auction market ~~where the animals will be officially identified if required by the Scrapie Eradication Uniform Methods and Rules~~, shall be accompanied by an official health certificate showing ~~the~~ individual approved ~~official~~ identification ~~and permit number issued by the Department (see Section 85.150)~~ and including the following ~~owner~~ statement: ~~"These animals are not scrapie positive, suspect, high risk or exposed and are not from an infected, source, exposed or non-compliant herd or flock." "The sheep or goats listed above were not exhibiting clinical signs of scrapie at the time of examination"~~. The health certificate shall indicate the sheep or goats were examined within ~~6030~~ days prior to entry and found free of any infectious or communicable disease and that they have not recently been exposed ~~to infectious or communicable disease thereto~~.
- b) Any sheep or goats ~~that~~~~which~~ show lesions of contagious ecthyma (sore mouth) or club lamb fungus disease (sheep ringworm) shall not be exhibited in the State and must be removed immediately from the exhibition area.

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- c) All sheep or goats moving within Illinois must be officially identified to the herd or flock of birth except for: Illinois sheep or goats changing ownership for exhibition within the State must be accompanied by a official health certificate issued within 30 days for change of ownership or 90 days for exhibition showing individual approved identification and including the following statement: "The sheep or goats listed above were not exhibiting clinical signs of scrapie at the time of examination."
- 1) Sheep or goats moving directly to an auction market or to a livestock dealer where they will be identified as necessary;
 - 2) Sheep under 18 months of age moving directly to slaughter that have not lambed or are not pregnant; or
 - 3) All goats moving directly to slaughter.
- d) Illinois origin sheep or goats being exhibited in Illinois must be accompanied by an official Certificate of Veterinary Inspection, issued within 90 days prior to exhibition, showing official individual identification.
- ed) Sheep or goats originating in Illinois from a herd or flock that has previously been classified as either an infected or source herd or flock can be exhibited in Illinois upon the completion of an approved herd/flock plan with a laboratory diagnosis of scrapie are not permitted to exhibit, unless they have been in the Voluntary Scrapie Flock Certification Program for at least three years.

(Source: Amended at 28 Ill. Reg. _____, effective October 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 (~~20042003~~) 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).

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- 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;
 - 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; [20042003](#));
 - 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); [20042003](#));
 - 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:

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- 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.

(Source: Amended at 28 Ill. Reg. _____, effective October 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 or VS Form 9-2 or 9-3 in the case of poultry.
- 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.
- c) Permits:
 - 1) Permits will be issued by telephoning or writing the Department.

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- 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: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

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- 1) Heading of the Part: Illinois Dead Animal Disposal Act
- 2) Code Citation: 8 Ill. Adm. Code 90
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
90.110	Amend
90.120	Amend
- 4) Statutory Authority: Illinois Dead Animal Disposal Act [225 ILCS 610]
- 5) Effective date of amendments: October 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: June 25, 2004; 28 Ill. Reg. 8792
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference(s) between proposal and final version: The Department is removing the proposed Section 90.140, "Registration of Composting Facilities". Section 90.110(e)(6)(A) has the original language stricken and replaced with the same language that appears at Section 90.110(f)(11)(A). Also in Section 90.110, "sawdust" has been replaced with "carbon source". There were other non-substantive grammatical changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: The Department is amending Section 90.110 to add the disposal of cattle, sheep or goats by composting. Cites to the Code of Federal Regulations are being updated to the 2004 edition.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281
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 90
ILLINOIS DEAD ANIMAL DISPOSAL ACT

Section

90.5	Definitions
90.10	Plant Facilities
90.20	Plant Premises
90.30	Annual Truck Permits (Repealed)
90.40	Truck Operator's Records (Repealed)
90.50	Odors and Insects Shall Be Controlled
90.60	Salmonella Control For Renderers and Blenders
90.70	Inspection of Premise (Repealed)
90.80	Identification of Receptacles
90.90	Records (Repealed)
90.100	Transportation and Transactions (Repealed)
90.105	Owner Transportation to Landfill
90.110	On-The-Farm Disposal
90.120	Collection Center
90.130	Disposal By Collection Center of Unusable Materials

AUTHORITY: Implementing and authorized by the Illinois Dead Animal Disposal Act [225 ILCS 610].

SOURCE: Regulations Relating to the Disposal of Dead Animals, filed January 17, 1972, effective January 27, 1972; filed December 6, 1972, effective December 16, 1972; codified at 5 Ill. Reg. 10458; amended at 7 Ill. Reg. 852, effective January 10, 1983; amended at 8 Ill. Reg. 5937, effective April 23, 1984; amended at 13 Ill. Reg. 3681, effective March 13, 1989; amended at 16 Ill. Reg. 11773, effective July 8, 1992; amended at 18 Ill. Reg. 14917, effective September 26, 1994; amended at 20 Ill. Reg. 294, effective January 1, 1996; amended at 28 Ill. Reg. _____, effective October 1, 2004.

Section 90.110 On-The-Farm Disposal

Persons disposing of animals, poultry, fish, or parts of bodies thereof, other than to a licensed renderer, shall comply with the following:

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- a) Disposal by Burning-
 - 1) No open burning will be permitted.
 - 2) Any disposal by burning must be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act [415 ILCS 5].
- b) Disposal by Burying-
 - 1) Burial shall be on the premises owned or operated by the owner of the dead animal.
 - A) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
 - i) Dead animals shall not be buried less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - ii) Dead Animals shall not be buried within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
 - B) Dead animals shall not be buried less than 200 feet from any existing residence not owned or occupied by the owner of the animal.
 - C) No more than a ratio of one pound of dead animals per one square foot of surface area shall be buried on an annual basis. No more than 3,000 pounds of dead animals shall be buried in each site location, and the same site shall not be used more frequently than once every two years for burial purposes. There shall be no more than three site locations within a radius of 120 feet.
 - 2) Burial depth shall be sufficient to provide at least a six-inch compacted soil cover over the uppermost part of the carcass. Precautions shall be taken to minimize soil erosion.

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- 3) The abdominal cavity of large carcasses shall be punctured to allow escape of putrefactive gasses.
 - 4) Lime or other chemical agent shall not be used to prevent decomposition.
 - 5) Precautions shall be taken at the site of burial necessary to prevent any disturbance by animal or mechanical means.
 - 6) Disease and nuisance vectors are to be minimized and controlled.
 - 7) Final cover or settling shall be limited to a 5% or less slope differential from the normal gradient of its general surroundings.
 - 8) Burial site locations shall be available for inspection by Department personnel during normal working hours.
- c) Disposal of poultry by composting. Persons disposing of poultry by means of composting shall comply with the following requirements:
- 1) The composter shall meet the following criteria:
 - A) A roof shall cover the entire composting area.
 - B) An impervious, weight-bearing foundation such as concrete shall be used.
 - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
 - D) The composter shall consist of primary and secondary bins.
 - E) The size of the composter shall be based on the farm's projected mortality rate of poultry, in which one pound of dead poultry per cubic foot of primary compost space per day is provided.
 - 2) Composting shall comply with the following guidelines:
 - A) A mixture of one part dead poultry (by weight), one and one-half part poultry litter, and one-tenth part of straw shall be used. For example: 400 pounds of dead poultry will require 600 pounds of

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poultry litter and 40 pounds of straw.

- B) Layering shall be done in the following order, starting from the floor: (First layer) Straw, poultry litter, straw, birds, and poultry litter. Second and subsequent layers: straw, birds, and poultry litter.
 - C) A 36-inch probe-type thermometer shall be inserted daily into the pile to check the temperature. Within two to four days, the temperature should peak between 135° F. and 150° F.
 - D) Once the temperature begins to fall from the peak (normally 7 to 10 days), the material shall be removed to the secondary treatment bin.
 - E) After 7 to 10 days in the secondary bin, the compost may be agronomically distributed over land under cultivation or reused in the composting process. For the purpose of this subsection (c)(2)(E), the agronomic rate is the annual application rate of poultry compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- 3) The composted material may be substituted for up to one-half of the poultry litter and one-half of the straw.
- d) Disposal of fish by composting. Persons disposing of fish by means of composting shall comply with the following requirements:
- 1) The composter shall meet the following criteria:
 - A) A roof shall cover the entire composting area.
 - B) An impervious, weight-bearing foundation such as concrete shall be used.
 - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
 - 2) The base layer shall meet the following criteria:

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- A) Use 6 to 12 inches thick of a bulking agent.
 - B) Be no more than 6 to 8 feet wide, but as long as necessary to accommodate the day's supply of compost material.
- 3) Composting shall meet the following guidelines:
- A) Composting layer shall consist of a mixture of one part fish, three parts bulking agent and one part recycled compost (if available) or bulking agent and shall be mixed prior to use in the composting layer. The mixing of the materials for the composting layer shall be done in a manner to prevent leakage (e.g., stock tank, bucket, mixing drum).
 - B) The cover layer shall consist of two parts bulking agent and two parts recycled compost (if available) or two parts bulking agent and should reach a thickness of 6 to 12 inches.
 - C) Layering shall be done in the following order starting from the concrete: base layer, composting layer (fish, bulking agent and recycled compost), and cover layer. The composting and cover layers are piled on top of the base layer to form a trapezoid no higher than 4 feet.
 - D) Additions to the compost pile are done by adding new material to the end of the pile.
 - E) A probe-type thermometer shall be inserted daily into the pile to check the temperature. The temperature should peak between 140° F. and 165° F. The material can be recycled after it has composted for at least 2 to 3 weeks, and its temperature has dropped to air temperature.
 - F) After the temperature has dropped to air temperature (normally 2 to 3 weeks), the composted material may be used in the composting layer, or after one month, the composted material may be agronomically distributed over land under cultivation or reused in the cover layer. For the purpose of this subsection, the agronomic rate is the annual application rate of fish compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield

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without exceeding crop nutrient requirements.

- e) Disposal of swine by composting. Persons disposing of swine by means of composting shall comply with the following requirements:
- 1) The composter shall be located entirely over impervious foundation materials.
 - A) One of two foundations shall be used:
 - i) impervious soil (permeability equal to or less than 1×10^{-7} cm/sec. as defined in Section 651.0703 "Geotechnical considerations in waste facility siting", Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6 inch base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.
 - ii) an impervious, weight-bearing foundation such as concrete or asphalt.
 - 2) Surface water shall be diverted away from the composter.
 - 3) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
 - A) Composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - B) Composter shall not be constructed within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
 - 4) The composter shall consist of primary and secondary bins. The size of the composter shall be based on the farm's projected mortality rate of swine during any three-month period. The primary and secondary bins shall each contain a minimum of 10 square feet of composting area for each 1000 pounds of carcass to be composted.

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- 5) The composter shall be constructed of permanent rot-resistant wall materials, such as preservative-treated wood, concrete, or precast concrete such as highway lane dividers. Each composter bin shall be three sides of a rectangle or square. One side of the bin shall be left open for loading, unloading and mixing the compost. In emergency situations, hay bales of 48 inches or greater in diameter may be used on a temporary basis in the above configuration of side walls.
- 6) Composting shall comply with the following guidelines:
- A) ~~Coarse sawmill sawdust, shredded cornstalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended for the carbon source. Sawdust shall be the primary carbon source material. Sawdust from treated wood products shall not be used in any composting processes under any circumstance. Other carbon source materials may be used for no more than fifty percent (by volume) of the total carbon source, with sawdust making up the remaining fraction. When more than one carbon source material is used, sawdust shall be distributed by mixing throughout the secondary carbon source materials. Other carbon source materials could include chopped straw or chopped corn cobs.~~
- B) It is expected that ~~the carbon source~~sawdust will be required in the ratio of approximately one cubic foot of ~~the carbon source~~sawdust per ten pounds of carcass (3.7 cubic yards of ~~the carbon source~~sawdust per 1000 pounds of carcass). A supply of ~~the carbon source~~sawdust shall be stockpiled and maintained on the premises at all times when the composter is in operation.
- C) Each compost bin shall have a layer of ~~carbon source~~sawdust a minimum of 10 inches deep placed on the floor before the first carcass is placed in the bin. There shall be a minimum of 10 inches of ~~carbon source~~sawdust between the carcass and each of the vertical walls of the bin. The carcass shall be covered with a minimum of 10 inches of ~~carbon source~~sawdust. ~~The carbon source~~Sawdust shall be added to the pile as composting begins, daily or as frequently as needed to sustain a 10 inch cover of ~~carbon source~~sawdust over all carcasses in the bin's uppermost layer.

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- D) A compost thermometer with a probe at least 36" long shall be obtained and used daily to measure the temperature of the compost in the middle of each bin. The compost temperature should reach 135 to 160° degrees F. (57° to 71° C.) and be recorded daily. Compost temperature indicates microbial activity and stage of composting process. The composting process shall be managed in such a way that the heating and decomposition can proceed to completion. If aerobic composting does not begin within 7 days, i.e., if temperatures do not rise above 135° F., the compost pile shall be turned and moisture content of the ~~carbon source~~sawdust adjusted to allow the process to proceed. Temperature records shall be available for examination until the compost is disposed of as in subsection ~~(e)(6)(G) below~~.
- E) ~~The carbon source~~Sawdust and carcasses may be placed in the bin until the bin is full.
- F) All compost from the primary bin shall be allowed to undergo a second composting phase as follows:
- i) When the temperature surrounding the last carcass placed in the composter drops below 130° ~~degrees~~ F. (typically up to three months after the last carcass addition), the compost in that bin shall be transferred to a second bin and allowed to reheat, through a second composting cycle. Moisture shall be added to the compost as needed to promote further composting activity.
 - ii) Compost shall remain in the second bin for the duration of the secondary composting cycle (typically three months). Temperature of the compost shall be measured using the compost thermometer to monitor the composting process.
- G) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in the ratio of up to 50 percent finished compost to fresh ~~carbon~~ ~~source~~sawdust. For the purpose of this subsection, the agronomic rate is the annual application rate of swine compost, either alone or in combination with other nutrient supplying materials; that is

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necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

- f) Disposal of cattle, sheep or goats by composting. Persons disposing of cattle, sheep or goats by means of composting shall comply with the following requirements:
- 1) Carcasses of those animals dying of suspect neurological causes shall not be composted.
 - 2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:
 - A) Impervious soil (permeability equal to less than 1×10^{-7} cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6 inch base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.
 - B) An impervious, weight-bearing foundation such as concrete or asphalt.
 - 3) Surface water shall be diverted away from the composter.
 - 4) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
 - A) The composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - B) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.

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- C) A composting site shall be located at least ¼ mile from the nearest occupied residence (other than a residence located on the same property as the facility).
- 5) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.
- 6) The composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.
- 7) The size of the composter shall be based on the facility's greatest projected mortality rate of animals during any three-month period of the year.
- 8) The composter bin minimum width dimension shall be large enough to allow placement of the largest carcass with at least one foot of space all around the carcass for carbon source material, or at least one foot greater than the width of the loader bucket used for turning the compost, whichever is larger.
- 9) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.
- 10) Records of carcass additions, composter operation and land application of finished compost shall be maintained on the premises.
- 11) Composting shall comply with the following guidelines:
- A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended as the carbon source.
- B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.
- C) Finished compost from the carcass composting process (secondary bins) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).

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- D) Each carcass placed on the floor of a primary bin shall be underlain with at least 12 inches of absorbent carbon source material.
- E) Carcasses weighing more than 300 lb. shall be processed prior to covering with carbon source material. Processing may consist of, but is not limited to:
- i) opening the abdominal cavity to facilitate contact of carbon source material and reduce distention of carcass with gases; and
 - ii) incising the large limb muscles to facilitate contact of carbon source material and thereby hasten composting.
- F) Each carcass placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.
- G) Carcasses and carbon source material may be added to the primary bin until the bin is full.
- H) The composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion (typically three months in the primary bin from the time the last carcass is placed in the bin and another three months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as necessary to adjust the moisture content of the compost and promote further composting activity.
- D) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50% finished compost to fresh carbon source material. For the purpose of this subsection (f)(11)(I), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is

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necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

- g) Disposal of sheep and goat offal by composting. Persons disposing of sheep or goat offal by means of composting shall comply with the following requirements:
- 1) Offal of those animals dying of suspect neurological causes shall not be composted.
 - 2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:
 - A) Impervious soil (permeability equal to less than 1×10^{-7} cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6 inch base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.
 - B) An impervious, weight-bearing foundation such as concrete or asphalt.
 - 3) Surface water shall be diverted away from the composter.
 - 4) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
 - 5) The composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - 6) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
 - 7) A composting site shall be located at least $\frac{1}{4}$ mile from the nearest occupied residence (other than a residence located on the same property as the facility).

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- 8) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.
- 9) The composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.
- 10) The size of the composter shall be based on the greatest projected offal rate from animals during any three-month period of the year.
- 11) The composter bin minimum width dimension shall be at least one foot greater than the width of the loader bucket used for turning the compost.
- 12) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.
- 13) Records of offal additions, composter operation and land application of finished compost shall be maintained on the premises.
- 14) Composting shall comply with the following guidelines:
 - A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended as the carbon source.
 - B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.
 - C) Finished compost from the offal composting process (secondary bins) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).
 - D) Offal placed on the floor of a primary bin shall be mixed in a 50/50 ratio to carbon source material and underlain with at least 12" of absorbent carbon source material.

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- E) Any offal placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.
- F) Offal and carbon source material may be added to the primary bin until the bin is full.
- G) The composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion (typically three months in the primary bin from the time the last carcass is placed in the bin and another three months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as necessary to adjust the moisture content of the compost and promote further composting activity.
- H) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50% finished compost to fresh carbon source material. For the purpose of this subsection (g)(14)(H), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

Section 90.120 Collection Center

A collection center shall comply with the following requirements:

- a) The location of a collection center shall be in compliance with local zoning ordinances before the Department will issue a license.
- b) The collection center shall be covered by a metal roof or other permanent type structure. The building shall be equipped with louver-type ventilators which are so screened as to prevent rodents and other animals, birds, flies, and insects from

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entering.

- c) Hot water or steam shall be provided to thoroughly clean the collection center premises.
- d) The collection center equipment and premises shall be disinfected with a product approved by the United States Department of Agriculture (9 CFR 71.10 (~~20041995~~)). Incorporation by reference does not include any amendments or editions beyond the date specified and may be viewed and/or copied at the Department's Springfield office.

(Source: Amended at 28 Ill. Reg. _____, effective October 1, 2004)

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Background Checks
- 2) Code Citation: 89 III. Adm. Code 385
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
385.20	Amended
385.30	Amended
385.40	Amended
385.50	Amended
385.60	Amended
385.80	Amended
APPENDIX A	Amended
APPENDIX B	Amended
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Child Product Safety Act [430 ILCS 125], and the Abused and Neglected Child Reporting Act [325 ILCS 5]
- 5) Effective date of amendments: September 30, 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 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: 28 Ill Reg. 6234; 4/23/04
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In addition to editing and formatting corrections, the following amendments were made:

In Section 385.30(h)(2), the proposed deletion of the terms "for-profit corporation or other for-profit entity" were reinstated.

In Section 385.30(m), the proposed deletion of "persons age 13 and over who have been tried as an adult and convicted for the crimes identified in Section 385.60(a) or (b)" was reinstated with the clarification that the limitation for licensing would be effective when the Department becomes aware of these persons.

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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 rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: In addition to formatting and grammatical corrections, the Department is amending Part 385 as follows:

In Section 385.20, the definition of “license entity” and “SACWIS” were added. The name of the “Statewide Child Sex Offender Registry” was corrected to read “Illinois Sex Offender Registry”. The definition of “LEADS” was eliminated, and clarifications were made to the definition of “child care facility”.

In Section 385.30, the reference to the “effective date of this Part” has been eliminated and the applicability to the Part was clarified. Fingerprints for background checks are to be submitted via a vendor stipulated by the Department. The requirement of Law Enforcement Agency Data System (LEADS) checks for persons 13 through 17 years of age have been eliminated in this Section and throughout the Part because the Department is not authorized by the State Police to do a LEADS soundex of information for licensing purposes.

In Section 385.40, the hiring facility of a transferring employee from another agency licensed by the Department and whose background check has been done, needs to submit a new authorization for a background check but the employee does not need to be re-fingerprinted unless specifically requested by the Department. The requirement stipulating that licensees that have been inactive for 6 months or longer is no longer applicable and has been eliminated.

In Section 385.50, the list of allegations of abuse and neglect was corrected to reflect revisions to 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect. Provisions were added for the request of waivers of presumption of unsuitability, indicating that the facility must request a waiver in writing within 30 days after notification that the hired employee has a history as a perpetrator of child abuse or neglect.

In Section 385.60, the agency must consider the honesty of the employee or applicant in disclosing criminal background information and the development of an adequate supervisory or monitoring plan prior to employment. A provision was added that the

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facility when assessing persons to be hired with pending charges, must develop a protective plan for the children until charges have been resolved.

In Section 385.80, the provisions of appeals have been re-written for clarification of what may and may not be appealed, and the address for submitting appeals has been updated.

Section 385.Appendix A, sexual offences were updated. Appendix A was amended to include additional provisions added in the Child Care Act barring the operation or receipt of a license from the Department to operate a child care facility or be employed by or be an adult residing in a home based child care facility licensed by the Department. Appendix A also provides exceptions applicable to child care facilities other than foster family homes.

Section 385.Appendix B, the requirement of a LEADS check for persons 13 through 17 has been eliminated.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: LICENSING ADMINISTRATIONPART 385
BACKGROUND CHECKS

Section

385.10	Purpose
385.20	Definitions
385.30	Applicability of This Part
385.40	Authorization for Background Checks
385.50	Child Abuse or Child Neglect
385.60	Criminal Convictions and Pending Criminal Charges
385.70	Disposition of Background Checks
385.80	Appeal of Decision Decisions to Deny License or Permit Based on Background Check Information
385.90	Records to be Maintained by the Child Care Facility
385.100	Confidentiality of Background Check Information
385.110	Severability of This Part
385 .APPENDIX A	Criminal Convictions Preventing Licensure, Employment, or Residence in a Family Home in Which a Child Care Facility Operates
385 .APPENDIX B	Matrix of Persons Subject to Background Checks Under Part 385

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10]; Section 5(a)(3)(A) and (F) and (v) of the Children and Family Services Act [20 ILCS 505/5(a)(3)(A) and (F) and (v)]; and Section 55a(34) of the Civil Administrative Code [20 ILCS 2605/55a(34)].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 19123, effective October 29, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 6398, effective March 31, 1987; amended at 13 Ill. Reg. 5917, effective May 1, 1989; emergency amendment at 20 Ill. Reg. 3930, effective March 1, 1996, for a maximum of 150 days; modified in response to Joint Committee on Administrative Rules objection at 20 Ill. Reg. 5712; emergency expired July 28, 1996; amended at 21 Ill. Reg. 4444, effective April 1, 1997; emergency amendment at 28 Ill. Reg. 1167, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. _____, effective September 30, 2004.

Section 385.20 Definitions

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"Access to children" means a child care facility employee's ~~job~~ duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual ~~and/or~~ auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Adult" means any person who is 18 years of age or older.

"Assistant" or "child care assistant" means a person who assists a licensed home caregiver in the operation of the day care home, group day care home, or foster family home.

"Authorization for background check" means a complete, signed form prescribed by the Department which authorizes a background check as defined in this Part and submission of fingerprints, if required. An authorization for a background check may be used for the initial and all subsequent background checks required to determine compliance with the requirements of this Part.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; ~~or via a LEADS check of persons ages 13 through 17;~~ and
- a check of the Child Abuse and Neglect Tracking System (CANTS/SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the ~~Illinois Statewide Child~~ Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care

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Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. "Child care facility" includes a relative who is licensed or who applies for a license as a foster family home under Section 4 of the Child Care Act of 1969. ~~(Section 2.05 of the Child Care Act of 1969)~~ A child care facility also means those described in the Child Care Act, including but not limited to may consist of distinct unit(s), division(s), or department(s) of a multi-function agency. ~~"Child care facility" is further defined in Section 2.05 of the Child Care Act of 1969. As used in this Part, "child care facility" means~~ any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, day care home, group day care home, partially exempt secure child care facility or youth emergency shelter (Section 2.05 of the Child Care Act of 1969) ~~as defined by the Child Care Act of 1969.~~

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children and who has commenced such duties while awaiting the results of the background check required by this Part.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

"Date of notice" means the date of the written notice to a license holder that all persons subject to background checks, as defined in this Section, must authorize such checks and submit to fingerprinting, if required.

"Denial of application for license" means the refusal to grant a license or permit to a person, group of persons, agency, association or organization that applied for a license to operate a child care facility.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

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

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Governing body" means the board of directors of a corporation; otherwise, the term means the ownersowner(s) or other personsperson(s), agency, association or organization legally responsible for the operation of the child care facility.

"Illinois Sex Offender Registry" means the registry of any person convicted of a felony sex crime or an attempt to commit a felony sex crime operated and maintained by the Illinois State Police.

~~"Initial background check" means the individual has cleared a check of both the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.~~

~~"LEADS" means Law Enforcement Agency Data System.~~

"License" means a document issued by the Department ~~that~~which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" means, for purposes of background checks, the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensing entity" means the Department or a supervising agency recommending the license or processing the employment application.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors, including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

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"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is ~~punishable~~publishable solely as a petty offense. (Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601])

"Multi-function agency" means an agency, association, or other organization ~~that which~~ operates a child care facility, child welfare agency, or day care agency in addition to other services not subject to licensure under the Child Care Act of 1969. A child care facility, child welfare agency, or day care agency may consist of distinct ~~units~~unit(s), ~~divisions~~division(s), or ~~departments~~department(s) of a multi-function agency. In a multi-function agency, only the persons with direct authority for the operations of the child care facility and those who have access to children, as defined in this Section, are subject to the background check requirements of this Part.

"Operator" means any person responsible for the day-to-day management of the child facility.

"Parental involvement" means parental assistance with a child care program such as participation in field trips, parties, attendance on special days for special events, or parental support and cooperation in the classroom.

"Persons subject to background checks" means:

- the ~~operator~~operator(s) of the child care facility;
- all current and conditional employees of the child care facility;
- any person who is used to replace or supplement staff;
- any person who has access to children, as defined in this Section; and
- any person who provides services that allow unsupervised access to children if the requirement for background checks is a condition of a contract or agreement or is required otherwise under 89 Ill. Adm. Code 357, Purchase of Service.

If the child care facility operates in a family home, the license ~~applicant~~applicant(s) and all members of the household age 13 and over are

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subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services, replacing the CANTS system.

"Seasonal child care program" means a child care facility ~~that~~^{which} operates a seasonal program, such as ~~summer-only~~^{summer} or migrant Head Start program, which is subject to licensing by the Department.

"State Central Register" means the child abuse and neglect data system maintained by the Department pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 40].

~~"Statewide Child Sex Offender Registry" means the registry of felony child sex offenders operated and maintained by the Illinois State Police.~~

"Substitute" means a permanent or temporary ~~employee~~^{employee(s)} who is used to replace or supplement regular staff.

"Supervising agency" means a licensed child welfare agency, a licensed day care agency, a license exempt agency, or the Department.

(Source: Amended at 28 Ill. Reg. _____, effective September 30, 2004)

Section 385.30 Applicability of This Part

- a) Applicability Effective Date of Amendments
~~All These amendments become effective April 1, 1997 for all licensed child care facilities in which any person subject to a background check, as defined in Section 385.20, has not authorized CANTS and criminal history background checks and submitted to fingerprinting, if required. Such facilities~~ shall submit completed, signed authorizations for background checks for all persons subject to background

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checks ~~as defined in Section 385.20, within sixty days after the date of notice from the Department requesting such authorizations.~~

b) License Renewals

~~A child care facility~~In no event may any existing child care facility license be renewed after October 1, 1997 unless all such background checks have been authorized and fingerprints obtained as required by this Part. The license shall not be renewed until the results of the background check (CANTS/SACWIS, ~~IllinoisChild~~ Sex Offender Registry, and criminal history) have been received for the operator of the child care facility. However, if complete, signed authorizations have been submitted and fingerprints obtained for all persons subject to background checks, as defined in Section 385.20, and a check of the CANTS/SACWIS and ~~IllinoisChild~~ Sex Offender Registry is completed, renewal of the license shall not be delayed pending receipt of the results of the criminal background check for other persons subject to background checks.

c) Scope of Background Checks

1) All persons subject to background checks pursuant to this Part shall be processed through the ~~CANTS/SACWISChild Abuse and Neglect Tracking System (CANTS)~~ and the ~~IllinoisStatewide Child~~ Sex Offender Registry. Fingerprints of all persons age 18 and over shall be submitted to the Illinois State Police ~~via the fingerprint vendor stipulated by the Department~~ for a criminal history check. ~~A Law Enforcement Agency Data System (LEADS) check shall be completed for all persons ages 13 through 17 who are subject to background checks, as defined in Section 385.20.~~

2) In addition, foreign nationals who have not resided in Illinois for all of the preceding ~~3~~three years shall submit to their prospective employer (if seeking employment) or licensing representative (if seeking a license to operate a child care facility) a copy of their valid passport and current visa. A copy of the valid passport and current visa shall be attached to the authorization for background check submitted to:

Department of Children and Family Services;
Central Office of Licensing;
406 E. Monroe Street, Station #60;
Springfield, Illinois 62701.

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[All facsimile transmissions shall be sent to the Employment FAX Line at \(217\)785-6368.](tel:(217)785-6368)

- 3) In addition, each owner of a for-profit corporation, as a condition of license renewal, must *certify under penalty of perjury that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* [5 ILCS 100/10-65(c)]
- 4) Fingerprints for the following persons age 18 and over shall be submitted to the Federal Bureau of Investigation (FBI) for a search of its records for evidence of prior criminal activity:
 - A) persons who have a record of criminal activity which may impact their suitability for licensure/employment by their own acknowledgment or according to the records of the Illinois State Police; and
 - B) persons who have resided outside the State of Illinois for any part of the preceding three years.

d) A Condition of Employment

- 1) As a condition of employment ~~and continuing employment~~ in a licensed child care facility in a position which allows access to children, all persons subject to background checks, as defined in Section 385.20, shall complete and sign authorizations for background checks and submit to fingerprinting, if required. This applies to all current and conditional employees subject to background checks, as defined in Section 385.20, and to any individual used as replacement or supplemental staff in the direct care and supervision of children.
- 2) Complete, signed authorizations for background checks must be ~~submitted~~sent to ~~the~~

Department of Children and Family Services;
Central Office of Licensing;
406 E. Monroe Street, Station #60;
Springfield, Illinois 62701.

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All such authorizations must be postmarked within two business days after the person's employment or use in a role as replacement or supplemental staff. ~~(for persons hired to begin work on or after March 1, 1996) or within thirty days after the date of notice to the license holder for all persons employed in a child care facility before March 1, 1996.~~ All facsimile transmissions shall be sent to the Employment Fax Line at (217) 785-6368.

- e) **Child Care Facilities that Operate Within a Family Home**
If the child care facility operates in a family home, adult members of the household shall be fingerprinted to be screened for prior criminal convictions and current pending criminal charges in accordance with the requirements of this Part. ~~Members of the household ages 13 through 17 shall be screened for prior criminal activities (if tried and convicted as an adult) via the LEADS system.~~ All household members age 13 and over shall be screened for a history of child abuse or neglect and for inclusion in the ~~Illinois Statewide Child~~ Sex Offender Registry. These background checks are required even if members of the household usually are not present in the home during the hours the child care facility is in operation.
- f) **Programs Operated Under the Auspices of Child Welfare or Day Care Agencies**
The background check requirements of this Part apply to:
- 1) employees of a child welfare agency who are involved in the placement in, licensure of, or supervision of foster family or adoptive homes, relative homes, group homes, child care institutions, youth emergency shelters, or independent living arrangements; and
 - 2) employees of a child welfare agency or day care agency who are involved in the licensure or supervision of licensed day care homes; and
 - 3) persons used as replacement or supplemental staff identified in subsection (f)(1) or (2) ~~above~~.
- g) **Service Providers**
As a condition of a contract or agreement, or as otherwise required under 89 Ill. Adm. Code 357, Purchase of Service, the Department may require a person who provides services that allow unsupervised access to children to authorize a background check under this Part.

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- h) Issuance of Permits
A permit may be issued when:
- 1) the facility operator has cleared a complete background check (criminal history, CANTS/[SACWIS](#), and ~~IllinoisStatewide-Child~~ Sex Offender Registry); and
 - 2) if a for-profit corporation or other for-profit legal entity, the owner has certified that he or she is current or not more than 30 days delinquent in complying with a child support order; and
 - 3) all other persons subject to background checks have been fingerprinted (if required), as verified by a fingerprint receipt, and have obtained their CANTS/[SACWIS](#), and ~~IllinoisStatewide-Child~~ Sex Offender Registry clearances; and
 - 4) the facility is in compliance with all other applicable licensing requirements for issuance of a permit.
- i) Work Study Students
No criminal history check is required unless work study students are used as replacement or supplemental staff, as defined in Section 385.20. However, CANTS/[SACWIS](#) and ~~IllinoisChild~~ Sex Offender Registry checks must be completed for all work study students.
- j) Volunteers
No background ~~checkchecks~~ (CANTS/[SACWIS](#), ~~IllinoisChild~~ Sex Offender Registry, criminal history) is required unless volunteers are used as replacement or supplemental staff, as defined in Section 385.20.
- k) Parental Involvement
Parental involvement in a child care facility program does not require a background check unless the parent is used as replacement or supplemental staff, as defined in Section 385.20. Nothing in this Part is intended to prohibit a parent from being left alone unsupervised with [only](#) his or her own children.
- l) Responsibility for Cooperation
Child care facilities shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized ~~representatives~~[representative\(s\)](#).

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Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

- 1) death in the family of the person; or
 - 2) serious illness of the person or illness in the person's immediate family; or
 - 3) weather or transportation emergencies.
- m) **Limitations on Criminal Offenders**
Persons age 18 and over who have been convicted of committing or attempting to commit the offenses in Section 385.60(a) or (b) (when applicable) and when the Department becomes aware of persons age 13 and over who have been tried as an adult and convicted for the crimes identified in Section 385.60(a) or (b) below shall not:
- 1) receive a license from the Department to operate a child care facility or have such a license renewed; or
 - 2) be employed by a child care facility licensed by the Department in a position which allows access to children; or
 - 3) be a member of the household in a family home in which a child care facility operates; or
 - 4) obtain a contract or agreement from the Department to provide services which allow access to children if the requirement for such background checks is a condition of the contract or agreement.
- n) **Limitations on Perpetrators of Child Abuse/Neglect**
Persons who have been indicated as the perpetrator of any of the child abuse/neglect allegations identified in Section 385.50(a) are presumed to be unfit for service thatwhich allows access to children. These indicated perpetrators are limited in the same manner as the criminal offenders in subsection (m) above unless the Director or designee has waived in writing the presumption of unsuitability. Such waivers may be requested in writing in accordance with

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Section 385.50(b).

- o) No Charge for Background Checks
There is no charge to license applicants or licensed child care facilities for the background checks which are required by this Part.

(Source: Amended at 28 Ill. Reg. _____, effective September 30, 2004)

Section 385.40 Authorization for Background Checks

- a) Persons Required to Authorize Background Checks
- 1) All persons required to authorize background checks (as defined in Section 385.20) must authorize such checks as a condition of employment and continuing employment, initial license or the renewal of an existing license, continued licensing, or when required for a contract with the Department.
 - 2) Each owner of a ~~for-profit~~ child care facility must certify, under penalty of perjury on forms prescribed by the Department, *that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])
- b) Contents of Authorization
The authorization required by this Section shall be on forms prescribed by the Department and shall include:
- 1) identifying information consisting of name, address, Social Security number, date of birth, height, weight, hair and eye color, previous names and addresses;
 - 2) a certification under penalty of perjury identifying any prior criminal convictions other than a minor traffic violation, as defined by this Part, and of any pending criminal charges; and
 - 3) authorization for the Department to release the results of the background check to the governing body or employer or, in the case of a group home or a child care facility operating in a family home, to the supervising

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agency for the child care facility.

- c) **Employees Absent from Active Duty**
For purposes of this Part only, employees who have been separated from a child care facility licensed by the Department ~~of Children and Family Services~~ for six months or longer (for reasons other than vacation, sabbatical leave, sick leave or maternity leave) shall no longer be considered current employees. Upon their return to active duty, such individuals shall be required to again authorize a background check pursuant to this Part.
- d) **Transfers Between Licensed Facilities**
~~A facility that hires~~After March 1, 1996, facilities which hire an employee who has cleared a complete background check consisting of a criminal history check and a CANTS/SACWIS check and a check of the ~~Illinois Statewide Child Sex Offender Registry~~ at a facility licensed by the Department ~~of Children and Family Services~~ shall submit a new signed authorization ~~of~~do not need to complete another background check ~~for the employee.~~if: Such an employee who has cleared a background check as described in this subsection does not need to be fingerprinted again unless the Department specifically requests new prints (e.g., when fingerprints cannot be found).
- ~~1) the employee transfers to another facility licensed by the Department of Children and Family Services; and~~
 - ~~2) there is less than six months between leaving one facility licensed by the Department and beginning employment at another facility licensed by the Department.~~
- e) **License Inactive for Six Months or Longer**
~~Persons who have been previously licensed, but who have not held a valid license for six months or longer (for reasons other than pending administrative appeals), shall be required to again authorize a background check pursuant to this Part before another license may be issued.~~
- ef) **Operation of Seasonal Programs**
Child care facilities that operate seasonal programs, such as migrant ~~Head Start~~ or ~~other~~ summer-only programs, hire staff on a seasonal basis for work in the program and then discharge or lay off the staff until the beginning of the next season. When the time period between the end of one seasonal program and the beginning of the next program is more than six months, a check of the

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~~CANTS/SACWIS Child Abuse and Neglect Tracking System~~ and the ~~Illinois Statewide Child~~ Sex Offender Registry must be completed (if the individual has access to children) before the individual begins his or her duties for the next season. ~~If the individual has cleared a criminal history check within the past three years via the Department's fingerprinting system, no additional criminal history check is required for the employee to be able to resume these duties.~~

~~fg)~~ Commingling Not Permitted

If a child care facility operates within the same building as other agencies or organizations or is part of a multi-function agency that offers services which are not subject to Department licensing, the child care facility shall develop a plan to limit ~~and/or supervise~~ access to children receiving care in the licensed facility by individuals who are not subject to the background check requirements of this Part. The plan shall be approved in writing by the governing body and the supervising licensing agency, ~~before a license is recommended by June 30, 1997.~~

~~gh)~~ Conditional Employment

~~Individuals~~An individual hired to begin employment ~~on or after March 1, 1996~~ who ~~have~~has authorized the background check required by this Part may be employed by a child care facility on a conditional basis pending the outcome of the required background check. The form authorizing such a background check shall be ~~submitted~~sent to Department of Children and Family Services ~~as indicated in Section 385.30(d)(2). postmarked within two business days after the commencement of such employment or use in a role which replaces or supplements staff. All facsimile transmissions shall be sent to the Employment Fax Line at (217) 785-6368.~~

~~hi)~~ Limitations on the Use of Conditional Employees

Conditional employees shall not be left alone with children outside the visual ~~and/or~~ auditory supervision of staff until ~~they have cleared a check of CANTS/SACWIS and the Illinois Sex Offender Registry. the results of the initial background check have been received.~~

(Source: Amended at 28 Ill. Reg. _____, effective September 30, 2004)

Section 385.50 Child Abuse or Child Neglect

a) Indicated Reports of Child Abuse/Neglect

The Department makes the presumption that an individual who has been determined to be a perpetrator of child abuse or neglect involving the allegations

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listed below, as defined in Appendix B, Child Abuse and Neglect Allegations, of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect, is not suitable for work ~~that which~~ allows access to children.

- 1) Death
- 2) ~~Head injuries~~
~~Brain damage or skull fracture~~
- 3) ~~Subdural hematoma~~
- 34) Internal injuries
- 45) Wounds (gunshot, knife, or puncture)
- 56) Torture
- 67) Sexually transmitted diseases
- 78) Sexual penetration
- 89) Sexual molestation
- 94) Sexual exploitation
- 104) Failure to thrive
- 112) Malnutrition
- 123) Medical neglect of disabled infant
- 134) A single indicated report of child abuse or neglect that resulted in serious injury to the child, regardless of the allegations involved
- 145) More than one indicated report involving any of the following allegations, ~~regardless of severity. Or one such report if the incident warrants concern because of the severity or particular circumstances~~ regardless of severity:
 - A) Burns ~~or scalding~~
 - B) Poison or noxious substances

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- C) Bone fractures
- D) Cuts, bruises, ~~or~~ welts, [abrasions, and oral injuries](#)
- E) Human bites
- F) Sprains or dislocations
- G) Tying or close confinement
- H) Substance misuse
- I) Mental [and emotional impairment injury](#)
- J) Substantial risk of physical injury/~~environment~~ [injurious to health and welfare](#)
- [K\) Substantial risk of sexual injury](#)
- [L](#)~~K~~) Inadequate supervision
- [M](#)~~L~~) Abandonment/~~or~~ desertion
- [N](#)~~M~~) Medical neglect
- [O](#)~~N~~) Lock-out
- [P](#)~~O~~) Inadequate food
- [Q](#)~~P~~) Inadequate shelter
- [R](#)~~Q~~) Inadequate clothing
- [S](#)~~R~~) Environmental neglect

b) Assessment of Indicated Reports

- 1) A person determined to be the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting

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Act [325 ILCS 5/3] shall not automatically be denied a license or refused license renewal from the Department because that person has been indicated as a perpetrator of the above allegations or shall not automatically be denied a position which allows access to children in a child care facility licensed by the Department. Rather, the Department or the governing body, as applicable, shall provide the individual an opportunity to present evidence ~~that~~^{which} demonstrates fitness for licensure or employment. Such evidence shall include, but not be limited to:

- A) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;
- B) the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the ~~child~~^{child(ren)}, that would demonstrate unlikelihood of repetition;
- C) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual;
- D) whether the abuse or neglect involved ~~a~~ single or multiple child victims;
- E) the relationship of the incident of child abuse or neglect to the individual's current or conditional job responsibilities within the child care facility;
- F) whether the individual has been convicted of a criminal offense which might have bearing on the individual's ability to function in a child care facility as licensee or employee;
- G) evidence of rehabilitation such as employment, education, participation in therapy since the indicated ~~incident~~^{incident(s)} of abuse or neglect; and
- H) character references.

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- 2) When the abuse or neglect includes allegations identified in subsection (a) of this Section, the Department presumes the individual is not suitable to be licensed to operate a child care facility or to reside in a family home in which such a facility operates or for a position which allows access to children. If the licensing entity (for license applicants and current license holders) or the employer (for current and conditional employees) believes the individual is suitable for licensure, residence in a household in which a child care facility operates, a contract or agreement with the Department which allows access to children, or employment which allows access to children, the licensing entity or the employer may request a review and waiver of the presumption of unsuitability. Such requests shall be in writing and postmarked within 30 days after receipt of information from the Department about the individual's history as a perpetrator of child abuse or neglect.
 - 3) The Director of the Department or the Director's designee shall review any materials submitted on the individual's behalf and may waive the presumption that the individual is unsuitable for licensure or employment which allows access to children or residence in a household in which a child care facility operates if, in the Director or designee's sole ~~judgment~~judgement, there is good cause for waiving the presumption of unsuitability. If the Director or designee waives the presumption that the individual is unsuitable, the hiring or licensing decision shall be made in accordance with the totality of the requirements of this Part and the applicable licensing standards.
- c) Notification of Hiring Decision
A child care facility shall notify the Department in writing of its decision regarding the employment of a person who has been indicated as a perpetrator of child abuse/neglect. Such notice shall be postmarked within 30 days after receipt of the information from the Department about the individual's history as a perpetrator of child abuse or neglect. If the facility chooses to retain the employee, it must notify the Department of this decision and specify in the notice the operating hours of the facility, the duties of the employee, and the hours the employee will be working. The decision of the employer is final, subject to review under the personnel policies of its governing body. Such hiring decisions may not be appealed to the Department of Children and Family Services.

(Source: Amended at 28 Ill. Reg. _____, effective September 30, 2004)

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Section 385.60 Criminal Convictions and Pending Criminal Charges

- a) Convictions Which Serve as Bar to Licensure/Employment that Allows Access to Children
- Persons who have been convicted of~~with~~ certain serious crimes, identified in Appendix A of this Part,~~criminal convictions~~ shall not receive a license to operate a child care facility or, if such a person has been licensed to operate a child care facility, the licensing entity shall revoke or refuse to renew such license upon learning that the licensee has been convicted of committing or attempting to commit any of the offenses identified below. In addition, no person who has been convicted of committing or attempting to commit any of the offenses listed below shall either be employed in a licensed child care facility in a position that allows access to children or reside in a family home in which a child care facility operates. This includes persons who have been:
- 1) declared a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205] or identified as a ~~child~~-sex offender in the Illinois Statewide Child Sex Offender Registry operated by the Illinois State Police; or
 - 2) convicted of committing or attempting to commit any of the offenses specified in Appendix A of this Part ~~that~~which are defined by the Criminal Code of 1961 [720 ILCS 5] or any earlier Illinois criminal law or code (See Section 4.2 of the Child Care Act of 1969 [225 ILCS 10/4.2]); or
 - 3) convicted of committing or attempting to commit an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified in Appendix A of this Part.
- b) Special Provisions for Foster Family Homes
- In addition to the provisions set forth in subsection (a) ~~above~~, no applicant may be licensed by the Department to operate a foster family home, and no person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the offenses listed in Section 4.2 of the Child Care Act of 1969 [225 ILCS 10/4.2], 402. Appendix A, Criminal Convictions Which Prevent Licensure of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, or who is included in the Statewide Child-Illinois Sex Offender Registry (unless the offender is a ward of the State of Illinois placed in the foster home by the Department or its contractual agent).

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- c) Special Provisions for Service Providers
As a condition of a contract or agreement, or as otherwise required under 89 Ill. Adm. Code 357, Purchase of Service, the Department ~~shall~~ require a person who provides services that allow unsupervised access to children to authorize a background check under this Part.
- d) Assessment of Criminal Convictions
Except as specified in subsections (a) and (b) of this Section, an individual convicted of a crime will not automatically be prohibited from licensure, renewal of a license, or employment in a child care facility, from residing in a family home in which a child care facility operates, or from obtaining a contract with the Department to provide services which allow access to children as part of their duties. Instead, the following shall be considered:
- 1) the nature of the crime for which the individual was convicted;
 - 2) the circumstances surrounding the commission of the crime, including the age of the individual, that would demonstrate a low likelihood of repetition;
 - 3) the period of time that has elapsed since the crime was committed;
 - 4) the number of crimes for which the individual was convicted;
 - 5) evidence of rehabilitation such as successful participation in therapy since conviction;
 - 6) commutation of the sentence by the Governor or granting of a pardon;
 - 7) overturn of the conviction upon appeal;
 - 8) character references; ~~and~~
 - 9) the relationship of the crime to the capacity to care for ~~childre~~child(ren) or to have access to ~~childre~~child(ren) cared for in a child care facility;-
 - 10) [Whether the employee/foster parent disclosed whether he or she had a criminal background and the circumstances of the conviction; and](#)

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11) [The development of a supervisory or monitoring plan that the Department has approved.](#)

- e) Assessment of Pending Criminal Charges
[When an employer is informed that an employee has a pending charge for a crime listed as a barred offense in subsection \(a\), the employer shall develop a protective plan addressing unsupervised access to children until the charge has been resolved.](#) An individual against whom criminal charges are pending shall not be automatically prohibited from licensure, renewal of a license, or employment in a child care facility, residing in a family home in which a child care facility operates, or obtaining a contract with the Department to provide services which allow access to children (as limited by 89 Ill. Adm. Code 357, Purchase of Service) because of the pending criminal charges. In those instances, the following shall be considered:
- 1) the seriousness and nature of the charges which are pending including a determination of whether the charges are among those listed in Appendix A of this Part that serve as a bar to licensure or employment in a position that allows access to children;
 - 2) the circumstances surrounding the incident that led to the criminal charge;
 - 3) the relationship of the charges to the ability to care for ~~children~~~~child(ren)~~ or to have access to [children and confidential information](#) ~~child(ren)~~ in a child care facility;
 - 4) whether the individual has ever been convicted of or charged with crimes of a similar nature; and
 - 5) character references and other information submitted by or on behalf of the appellant or any other person, especially about the suitability of the individual to care for ~~children~~~~child(ren)~~.
- f) Notification of Hiring Decision
Child care facilities shall notify the Department in writing of their decision regarding the employment of a person with a criminal history. Such notice shall be postmarked within 30 days after receipt of the information from the Department about the individual's criminal history. If the facility chooses to retain the employee, it must notify the Department of this decision and specify in the notice the operating hours of the facility, the duties of the employee, and the

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hours the employee will be working. The decision of the employer is final, subject to review under the personnel policies of its governing body. Such hiring decisions may not be appealed to the Department of Children and Family Services.

(Source: Amended at 28 Ill. Reg. _____, effective September 30, 2004)

Section 385.80 Appeal of Decision to Deny License or Permit Based on Background Check Information

- a) What May Be Appealed Under This Part~~Availability of Appeal of Denial Decision~~
~~The Department shall allow appeals, upon a written request, of its decision to deny a license or a permit based upon the background checks conducted in accordance with the requirements of this Part unless the license applicant has the right to appeal the decision under 89 Ill. Adm. Code 338, Appeal of Foster Family Home License Denials by Relative Caregivers (for relative caregivers who applied for a foster family home license) or 89 Ill. Adm. Code 383, Licensing Enforcement (for revocations, refusal to renew a license, and permit holders who are denied a license).~~
A license applicant may appeal:
- 1) the denial of an initial license based upon a background check conducted in accordance with this Part; or
 - 2) the denial of a permit based upon a background check conducted in accordance with this Part.
- b) What May Not Be Appealed Under This Part
The Chief Administrative Law Judge will decide whether an issue is appropriate for a fair hearing pursuant to **subsection (a)**. Issues inappropriate for a fair hearing under this Part include, but are not limited to:
- 1) a decision based upon a background check conducted pursuant to this Part that revealed that the license applicant has a criminal conviction that bars licensure of, employment or residence in a licensed child care facility pursuant to Section 4(a) and (b) of the Child Care Act of 1969 [225 ILCS 10/4(a) and (b)], unless the licensing applicant can establish **that an exception**, as provided in Section 4(b)(2) of the Act, may exist (see Appendix A); or

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2) a decision based upon a background check conducted pursuant to this Part that revealed that the license applicant has a criminal conviction that bars licensure of or residence in a foster family home pursuant to Section 4(c) of the Child Care Act of 1969 [225 ILCS 10/4(c)], unless the licensing applicant can establish that an exception, as provided in Section 4(d) of the Child Care Act of 1969 [225 ILCS 10/4(d)], may exist.

cb) Appeal Request~~Appeal Process for Denial of License or Permit~~

An individual requesting an opportunity for an appeal pursuant to subsection (a) ~~above~~ shall submit such request, in writing, to the:

Administrative Hearings Unit;
Department of Children and Family Services;
406 E. Monroe St., Station #15160 N. LaSalle Street,
Springfield, Illinois 62701~~Chicago, Illinois 60601.~~

All such requests must be postmarked within ten days after the date of written notice of the denial of an application for license or permit.

de) Review of File

- 1) After the Administrative Hearings Unit has received the individual's request for an appeal, the Administrator of the Administrative Hearings Unit shall notify the Department that the individual has appealed and the Department shall send to the Administrator a copy of the notice of denial of the application for a license or permit. The notice of denial shall be prima facie evidence that the Department had a basis for refusing to issue the license or permit.
- 2) The Administrator shall ask both the Department and the individual to submit any documents, records, statements, or other materials pertinent to the Department's denial of the application for licensure to create an appeal file. The Administrator shall further advise the Department and the individual of the intent to examine the appeal file, including all materials submitted for the appeal file, to determine whether a genuine issue of material fact exists. Within ten business days after the date of the Administrator's request for materials, both the Department representative and the individual shall submit to the Administrative Hearings Unit any and all documents, records, statements, materials, or evidence to establish

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that the Department's decision to deny the license because of the background check was either correct or incorrect.

- 3) At least ten business days after the Administrator's request for materials, the Administrator shall examine the entire appeal file, including all materials submitted by both parties, and shall determine if a genuine issue of material fact exists.
- 4) If the Administrator determines that no genuine issue of material fact exists, the Administrator shall dismiss the appeal. The letter dismissing the appeal shall be the final administrative decision of the Department.

ed) The Appeal Process

The individual shall be notified, in writing, of the date, time and location of the appeal hearing. The individual may be represented by counsel of his or her choice, and may present evidence and/or ~~witnesses~~witness(es) on his or her own behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the background report, the background check report is inaccurate or, if the issue is delinquency in the payment of child support, that the child support has been paid in full or that a payment schedule has been arranged with the Department of Public Aid (Title IV-D cases) or a court of jurisdiction (all other child support cases). Evidence to be considered shall be limited to:

- 1) When the appeal involves an indicated CANTS/~~SACWIS~~ report, written statements from the administrator of the child protection division for the Department that the individual named in the report is not the individual in question or that the record has been expunged or amended; or
- 2) When the appeal involves a criminal history record, evidence shall be limited to written statements from a law enforcement agency or clerk of the court: that the subject of the criminal history record provided to the Department is not the individual in question, ~~or~~ was never convicted of the crimes as alleged in the criminal history record, or was granted a full pardon by the Governor indicating that the person did not commit the crime; or that the crime was amended or expunged; or that the information in the criminal history record concerning the existence of the conviction was erroneous; or
- 3) When the appeal involves delinquent child support, written statements from the Department of Public Aid or the clerk of the court, as applicable,

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that child support has been paid in full or a payment schedule arranged or that the payment record was incorrect.

- f)** Final Administrative Decision
The administrative law judge conducting the appeal must conclude that, when all the evidence presented pursuant to this Part and the applicable licensing standards are considered, there is clear and convincing evidence that the ~~individual~~~~individual(s)~~ is not the person named in the indicated report/criminal history record or that the individual is suitable for service which allows access to children. If the appeal is addressing the issue of delinquent child support, the individual must submit proof that the record was in error or that he or she has paid the delinquency or made arrangements for payment of delinquent child support. A decision of the Department licensing authority is a final administrative decision, subject to review by a court of competent jurisdiction.
- gf)** Record of Appeal
A written record shall be made of any ~~reviews~~~~review(s)~~ conducted pursuant to this Section, and such record shall contain copies of all documents relied upon in making the determination of fitness or unfitness for licensure.

(Source: Amended at 28 Ill. Reg. _____, effective September 30, 2004)

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Section 385.APPENDIX A Criminal Convictions Preventing Licensure, Employment, or Residence in a Family Home in Which a Child Care Facility Operates

- a) Criminal Convictions Preventing Licensure, Employment, or Residence in a Family Home in Which a Child Care Facility Operates

If any person subject to background checks has been included in the ~~Illinois Statewide Child~~ Sex Offender Registry or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to: receiving a license or permit to operate as a child care facility and renewal of an existing license to operate a child care facility; residing in a family home in which a child care facility operates; obtaining employment or continuing in employment in a licensed child care facility which allows access to children as part of the duties; and obtaining a contract or agreement providing services on behalf of the Department that allows unsupervised access to children.

In addition to the list of crimes in this Appendix A, no applicant may receive a license from the Department to operate a foster family home, and no adult person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the offenses listed in Appendix A, Criminal Convictions Which Prevent Licensure, of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, which is a more inclusive list of crimes.

The offenses ~~that~~~~whieh~~ serve as a bar to licensure, residence in a family home in which a child care facility operates, employment ~~that~~~~whieh~~ allows access to children in any child care ~~facility~~~~facilities~~ subject to licensing, or providing services that allow unsupervised access to children include:

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

- *Murder*
- *Solicitation of murder*
- *Solicitation of murder for hire*

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- *Intentional homicide of an unborn child*
- *Voluntary manslaughter of an unborn child*
- *Involuntary manslaughter*
- *Reckless homicide*
- *Concealment of a homicidal death*
- *Involuntary manslaughter of an unborn child*
- *Reckless homicide of an unborn child*
- *Drug induced homicide*

KIDNAPPING AND RELATED OFFENSES

- *Kidnapping*
- *Aggravated kidnapping*
- *Aggravated unlawful restraint*
- *Forcible detention*
- *Child abduction*
- *Aiding and abetting child abduction*
- *Harboring a runaway* [\[225 ILCS 10/4.2\(b\)\]](#)

SEX OFFENSES UNDER ARTICLE 11 OF THE CRIMINAL CODE OF 1961, EXCEPT OFFENSES DESCRIBED IN SECTIONS 11-7, 11-8, 11-12 AND 11-13

- *Indecent solicitation of a child*
- *Indecent solicitation of an adult*
- *Public indecency*
- *Sexual exploitation of a child*
- *Custodial sexual misconduct*
- *Presence within school zone by child sex offenders*
- *Approaching, contacting, residing, or communicating with a child within a public park zone by child sex offenders*
- *Sexual relations within families*
- *Prostitution*
- *Soliciting for a prostitute*
- *Soliciting for a juvenile prostitute*
- *Solicitation of a sexual act*
- *Pandering*
- *Keeping a place of prostitution*
- *Keeping a place of juvenile prostitution*
- *Patronizing a prostitute*

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- *Patronizing a juvenile prostitute*
- *Pimping*
- *Juvenile pimping*
- *Exploitation of a child*
- *Obscenity*
- *Child pornography*
- *Harmful material*
- *Tie-in sales of obscene publications to distributors*
- *[Posting of identifying information on a pornographic internet site \[720 ILCS 5/Art. 11\]](#)*

BODILY HARM

- *Heinous battery*
- *Aggravated battery with a firearm*
- *Aggravated battery of a child*
- *Tampering with food, drugs, or cosmetics*
- *Hate crime*
- *Stalking*
- *Aggravated stalking*
- *Threatening public officials*
- *Home invasion*
- *Vehicular invasion*
- *Drug induced infliction of great bodily harm*
- *Criminal sexual assault*
- *Aggravated criminal sexual assault*
- *Predatory criminal sexual assault of a child*
- *Criminal sexual abuse*
- *Aggravated sexual abuse*
- *Criminal transmission of HIV*
- *Criminal [abuse or](#) neglect of an elderly or disabled person*
- *Child abandonment*
- *Endangering the life or health of a child*
- *Ritual mutilation*
- *Ritualized abuse of a child [\[225 ILCS 10/4.2\(b\)\]](#)*

b) [Additional Convictions that Bar Licensure of or Employment in a Child Care Facility](#)

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In addition to the requirements of subsection (a), no new applicant and, on the date of licensure renewal, no current licensee may operate or receive a license from the Department to operate, no person may be employed by, and no adult person may reside in a child care facility licensed by the Department who has been convicted of committing or attempting to commit any of the following offenses or an offense in any other jurisdiction the elements of which are similar to and bear a substantial relationship to any of the following offenses:

*OFFENSES DIRECTED AGAINST THE PERSON**BODILY HARM*

- Felony aggravated assault*
- Vehicular endangerment*
- Felony domestic battery*
- Aggravated battery*
- Heinous battery*
- Aggravated battery with a firearm*
- Aggravated battery of an unborn child*
- Aggravated battery of a senior citizen*
- Intimidation*
- Compelling organization membership of persons*
- Abuse and gross neglect of a long term care facility resident*
- Felony violation of an order of protection*

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- Felony unlawful use of weapons*
- Aggravated discharge of a firearm*
- Reckless discharge of a firearm*
- Unlawful use of metal piercing bullets*
- Unlawful sale or delivery of firearms on the premises of any school*
- Disarming a police officer*
- Obstructing justice*
- Concealing or aiding a fugitive*
- Armed violence*
- Felony contributing to the criminal delinquency of a juvenile*

DRUG OFFENSES

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- Possession of more than 30 grams of cannabis
- Manufacture of more than 10 grams of cannabis
- Cannabis trafficking
- Delivery of cannabis on school grounds
- Unauthorized production of more than 5 cannabis sativa plants
- Calculated criminal cannabis conspiracy
- Unauthorized manufacture or delivery of controlled substances
- Controlled substance trafficking
- Manufacture, distribution or advertisement of look-alike substances
- Calculated criminal drug conspiracy
- Street gang criminal drug conspiracy
- Permitting unlawful use of a building
- Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property
- Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances
- Delivery of controlled substances
- Sale or delivery of drug paraphernalia
- Felony possession, sale, or exchange of instruments adapted for use of a controlled substance or cannabis by subcutaneous injection
- Felony possession of a controlled substance [\[225 ILCS 10/4.2\(b-1\)\]](#)

c) Exception Applicable to Child Care Facilities Other than Foster Family Homes

Notwithstanding subsection (a), the Department may issue a new child care facility license or may renew the existing child care facility license of an applicant, or an applicant who has an adult residing in a home child care facility who was convicted of an offense described in subsection (b), or the Department may approve the employment of a person by a child care facility who was convicted of an offense described in subsection (b), provided that all of the following requirements are met:

- 1) The relevant criminal offense or offenses occurred more than 5 years prior to the date of application or renewal, except for drug offenses. The relevant drug offense must have occurred more than 10 years prior to the date of application or renewal, unless the applicant or prospective employee has passed a drug test, arranged and paid for by the child care facility, no less than 5 years after the offense;

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- 2) *The Department must conduct a background check and assess all convictions and recommendations of the child care facility in accordance with Section 385.60(d), (e) and (f) and determine if a waiver is applicable in accordance with subsection (c)(1):*

- 3) *The applicant meets all other requirements and qualifications to obtain a license to operate the pertinent type of child care facility. [\[225 ILCS 10/4.2\(b-2\)](#)*

(Source: Amended at 28 Ill. Reg. _____, effective September 30, 2004)

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Section 385.APPENDIX B Matrix of Persons Subject to Background Checks Under Part 385

Type of Individual	Criminal Check	Illinois Child Sex Offender Registry	Child Abuse/ Neglect Check	Child Support	Explanation
Operator	Yes	Yes	Yes	Yes	Criminal check via fingerprints. Delinquent child support check applies only to for-profit entities.
Employee • Age 18 and over • Under age 18	Yes No Yes	Yes Yes	Yes Yes	No No	For persons age 18 and over, the criminal check is done via fingerprints. For persons under age 18, the criminal check consists of a LEADS check.
Others in Family Home • Age 18 and over • Ages 13 through 18	Yes No Yes	Yes Yes	Yes Yes	No No	For persons age 18 and over, the criminal check is done via fingerprints. For persons under age 18, the criminal check consists of a LEADS check.
Individual Used to Replace or Supplement Staff • Age 18 and over • Under age 18	Yes No Yes	Yes Yes	Yes Yes	No No	For persons age 18 and over, the criminal check is done via fingerprints. For persons under age 18, the criminal check consists of a LEADS check.
Service provider for the Department who has access to children • Age 18 and over • Under age 18	Yes No Yes	Yes Yes	Yes Yes	No No	For persons age 18 and over, the criminal check is done via fingerprints. For persons under age 18, the criminal check consists of a LEADS check.

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Type of Individual	Criminal Check	Child Sex Offender Registry	Child Abuse/Neglect Check	Child Support	Explanation
Work Study Student	No	Yes	Yes	No	If counted in the staff-child ratio or left alone with children outside the visual or auditory supervision of facility staff, the individual is replacing or supplementing staff and a criminal background check is required, also.
Contractual Staff Hired by the Child Care Facility	No	No	No	No	If counted in the staff-child ratio or left alone with children outside the visual or auditory supervision of facility staff, the individual is replacing or supplementing staff and a criminal background check is required.
Volunteers	No	No	No	No	If counted in the staff-child ratio or left alone with children outside the visual or auditory supervision of facility staff, the individual is replacing or supplementing staff and a criminal background check is required.
Parents	No	No	No	No	If counted in the staff-child ratio or left alone with children outside the visual or auditory supervision of facility staff, the individual is replacing or supplementing staff and a criminal background check is required.

(Source: Amended at 28 Ill. Reg. _____, effective September 30, 2004)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities
- 2) Code Citation: 47 Ill. Adm. Code 110
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
110.10	Amend
110.30	Amend
110.60	Amend
110.70	Amend
110.90	Amend
110.91	Amend
110.92	Amend
110.110	Amend
110.210	Amend
110.220	Amend
110.230	Amend
110.240	Amend
110.250	Amend
110.260	Amend
110.270	Amend
110.280	Amend
110.290	Amend
110.300	Amend
110.310	Amend
110.320	Amend
110.330	Amend
110.340	Amend
110.350	Amend
110.360	Amend
- 4) Statutory Authority: Implementing Section 605-940 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605-940 and 605-95] and authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.)
- 5) Effective date of amendments: September 23, 2004
- 6) Does this rulemaking contain an automatic repeal date? No

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- 7) Does this amendment 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: 28 Ill. Reg. 1; January 2, 2004
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Grammatical and stylistic 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: The proposed rulemaking clarifies and updates the rules governing the Department's administration of the Community Development Assistance Program (CDAP). This rulemaking has been necessitated by the need to facilitate a wide application of CDAP funds together with flexible instruments to improve the capacity and motivation to pool public and private resources in support of economic development projects. In addition, the amendments clarify and/or update program operation issues such as grant language, use of program funds, use of financial intermediaries, and program definitions.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield IL 62701
217/557-1820

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

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC
OPPORTUNITY~~COMMUNITY AFFAIRS~~

PART 110

STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR SMALL CITIES

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section

110.10	Legislative Base
110.20	Purpose and Scope
110.30	Definitions
110.35	Incorporation by Reference
110.40	Federal/State Program Objectives
110.50	Eligible Applicants
110.60	Eligible/Ineligible Projects and Activities
110.70	Grant Application Process
110.80	Funding
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AUTHORITY: Implementing Section 605-940 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-940 and 605-95].

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 15 Ill. Reg. 4410, effective March 11, 1991; amended at 16 Ill. Reg. 20106, effective December 14, 1992; amended at 20 Ill. Reg. 7799, effective May 29, 1996; amended at 22 Ill. Reg. 1910, effective January 1, 1998; amended at 23 Ill. Reg. 8362, effective July 12, 1999; amended at 26 Ill. Reg. 11805, effective July 18, 2002; amended at 28 Ill. Reg. 13468, effective September 23, 2004.

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section 110.10 Legislative Base

- a) Federal
 - 1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation

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Act of 1981 (Public Law 97-35). This Act established seven block grant programs, including the State Community Development Block Grant (CDBG) Program. These block grants replace a large number of programs previously administered by the Federal Government. Although the Housing and Community Development Act of 1974 provided since its inception for discretionary block grants to smaller communities, the Omnibus Budget Reconciliation Act of 1981 made a fundamental change to transfer to the States the power and decision making in awarding block grants to small communities.

- 2) The State Community Development Block Grant Program funds are allocated to the State pursuant to Section 106(d) of Title I of the [federal Housing and Community Development Act of 1974](#), as amended. The Act authorizes state administration of the program to units of general local governments in nonentitlement areas. Throughout this Part references are made to the provisions of 24 CFR 570. These HUD regulations were published November 9, 1992.
 - 3) While the States must follow the statutory requirements concerning the use of block grant funds, the Secretary of HUD will give maximum feasible deference to a State's interpretation of such requirements consistent with the Secretary's obligation to enforce compliance with the intent of Congress.
 - 4) Pursuant to 24 CFR 91, the State must submit annually to HUD a Consolidated Plan that serves as the planning document of the State and an application under any of the Community Planning and Development formula grants, including CDBG. The Consolidated Plan will include the application deadlines for the competitive funding components for the upcoming program year. A final statement and certifications are required to be submitted before March 31 during each year in which a State elects to administer the Community Development Block Grant funds for its nonentitlement areas.
- b) State
- 1) On August 10, 1981, the Governor designated the Illinois Department of Commerce and Community Affairs, [now known as the Illinois Department of Commerce and Economic Opportunity](#), as the State administrative agency for the Small Cities Community Development Block Grant

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Program. On March 23, 1982, the Governor officially notified the U.S. Department of Housing and Urban Development of the State's election to administer the Small Cities Program for nonentitlement communities within the State.

- 2) As a part of its application, the State certified to HUD that it:
 - A) Engages or will engage in planning for community development activities;
 - B) Provides or will provide technical assistance to units of general local government in connection with community development programs; and
 - C) Has consulted with local elected officials from among units of general local government located in nonentitlement areas of the State determining the method of distribution of CDBG funds.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.30 Definitions

"Act" shall mean Section 106(d), as amended, of Section 304 of Title III of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) (42 USC 5301).

"Application" shall mean a request for program funds including the required forms and attachments.

"Application on Behalf Of" shall mean any application submitted by one eligible applicant requesting funds for one or more other eligible applicants.

"Community" shall mean any eligible applicant.

"Community Development Assistance Program" or "[CDAP](#)" shall mean the State Community Development Block Grant program administered by the Department, authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301). ~~"CDAP Low Interest Subordinated Loan" shall mean a loan provided with Community Development Assistance Program funds which takes a collateral position secondary to a first trust mortgage or UCC Filing.~~

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"Department" shall mean [Illinois Department of Commerce and Economic Opportunity](#)~~the Illinois Department of Commerce and Community Affairs~~.

["Director" shall mean the Director of the Illinois Department of Commerce and Economic Opportunity.](#)

"Economic Development" shall mean job creation/retention and the alleviation of economic distress through the stimulation of private investment and community revitalization.

"Eligible Applicant" shall mean any incorporated municipality, township, or county within the State of Illinois, except those designated as entitlement areas by the U.S. Department of Housing and Urban Development.

["Eligible Lines of Credit" shall mean committed revolving line of credit facilities that are subject to loan agreements with financial institutions and are structured for the purpose of funding the project. Such agreements shall be satisfactory to the Department and shall be for terms of at least 2 years from the time funds are awarded and in amounts equal to or greater than the resource leveraging amount.](#)

"Entitlement City" shall mean a city designated by the Department of Housing and Urban Development to receive an amount of funds which the city is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in ~~section~~[Section](#) 106 of the Housing and Community Development Act of 1974.

"Entitlement County" shall mean a county designated by the Department of Housing and Urban Development to receive an amount of funds which the county is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in ~~section~~[Section](#) 106 of the Housing and Community Development Act of 1974.

["Financial Assistance" means the provision of funds to an eligible economic development project through the purchase of any note, stock, convertible security, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application thereof, or in royalty or other payments under such a patent or application, or, in general, any](#)

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interest or instrument commonly known as a "security" or any certificate for receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing, but not including any instrument that contains voting rights in the possession of the grantee, or other means whereby financial aid is made to or on behalf of an Illinois company as appropriate to the form of agreement, for working capital, the purchase or lease of machinery and equipment, or the lease or purchase of real property, but does not include refinancing debt.

"Financial Feasibility" shall be determined from documentation from other financial servicing institutions (bank commitment letter must state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statements from the participating firms (3 years) to provide the project's viability and to indicate that the project could not proceed without the infusion of CDAP assistance. Also required will be a cash flow analysis/pro forma statement that projects, at a minimum, the first year's operations with the proposed loan funds. Financial statements for the past 3 years and a cash flow analysis/pro forma statement are not required for public facilities in support of economic development. Annual reports may be submitted in lieu of the financial statements and the cash flow analysis/pro forma statement if the company is publicly owned and traded and the company's historical financial condition is good.

"Financial Intermediary" means a bank, savings bank, credit union, merchant bank, investment bank, trust company, investment trust, pension fund, building and loan association, savings and loan association, insurance company, venture capital company, community development financial institution or other public or private financing institution approved by the Department whose purpose includes financing, promoting, or encouraging economic development.

"Financial Intermediary Agreement" means an agreement or contract between a grantee and a financial intermediary to provide financial assistance to or on behalf of a subgrantee or recipient for the purposes of this program. A financial intermediary agreement may include, but is not limited to, participation agreements in which the grantee purchases an undivided interest in a loan, investment, economic development award, line of credit or other form of financial assistance made by the financial intermediary.

"Full-Time Equivalent Job" shall mean 1950 hours of employment in a 12 month period.

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"Grant" shall mean funds received through the Community Development Assistance Program.

"Grant Ceiling" shall mean the maximum amount of funds that an applicant may request in any one application.

"Grant Close Out" shall mean the formal process to document final expenditures, final program results, reconcile final cash payment to the grantee or refund to the grantor and to arrange for the release of liability to the parties of the contract.

"Grantee" shall mean any eligible applicant receiving funds under this program.

"HUD" shall mean the U.S. Department of Housing and Urban Development.

"Illinois Company" shall mean a company that is either doing business in or has committed to do business in Illinois.

"Joint Application" shall mean an application submitted by more than one eligible applicant to complete a single project for the benefit of all those applying.

"Low and Moderate-Income Persons" shall mean those individuals in families where income is 80% or less of the county median family income. For economic development, the latest available HUD Section 8 family income limits will be used.

"Program Income" shall mean income realized from grant-related activities. Grant-related activities are those eligible activities listed in Section 110.60(a) of this Part.

"Project" shall mean an activity or activities funded by the Community Development Assistance Program with Community Development Block Grant funds.

"Public Guaranteed Loan" shall mean a loan guaranteed by a public entity.

"Recaptured Funds" shall mean funds received from grant-related activities after the grant has been closed out with the Department.

"Recipient" shall mean an entity that receives financial assistance from a grantee through recaptured CDAP funds deposited and held in the grantee's revolving

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fund (RF).

"Resource Leveraging" shall mean a financial contribution, including eligible lines of credit. Leveraging may include machinery and equipment brought into the State from another state. The purchase price of underutilized land and buildings may be considered as leveraging as long as the land and/or buildings are functionally and geographically related to the proposed project (e.g., building will accommodate proposed activities, property is located within applicant's municipal jurisdiction, property will be utilized in the business operation, expanded space will house new employees). In determining if buildings and land are underutilized, for the purpose of resource leveraging, both the appraised value (i.e., an appraisal of property's market value) and a statement from the owner indicating the period of time which land/buildings have not been in use will be considered. Applicants may count local funds used to pay for salaries of employees administering the project as resource leveraging. Any expenditure of funds prior to grant award or lines of credit that are not eligible lines of credit will not be considered leveraging. In addition, existing in-state equipment, buildings, furnishings, and inventory already owned and paid for by the applicant or the entity on whose behalf the applicant is applying prior to grant award will not be counted as leveraging. Contracts for deed without a due and payable clause or which is an apparent substitute for simple rent shall not be counted as resource leveraging.

"Special Set-aside Funds" shall mean a separate allocation to fund projects. The need for funds must arise outside the normal funding cycle and require immediate attention.

"Subgrantee" shall mean an entity that receives financial assistance from a grantee through CDAP.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.60 Eligible/Ineligible Projects and Activities

- a) Eligible Projects and Activities – Eligible activities are detailed in 24 CFR 570.482 (~~20042004~~). Activities assisted by this program may include the following:
 - 1) Economic Development – provision of assistance to private for-profit or not-for-profit businesses for such activities as land acquisition; public

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facilities and improvements in support of economic development (such as, water, sewer and utility lines); acquisition, construction, rehabilitation of commercial and industrial buildings/facilities; machinery and equipment; furnishings and fixtures; and working capital expenses.

- 2) Public Facilities and Improvements – acquisition, construction, reconstruction, rehabilitation or installation of public facilities, and improvements e.g., water and sewer facilities, including storm sewers; flood retention and drainage facilities.
- 3) Housing Rehabilitation and Preservation – provision of assistance in support of low to moderate-income housing, including rehabilitation, clearance, demolition, and/or removal of privately-owned buildings and provision of site improvements such as connection of residential structures to water or sewer lines; certain types of housing modernization; temporary relocation assistance; code enforcement; lead-based paint abatement; and structural improvements to privately-owned buildings to remove physical barriers that restrict the mobility and accessibility of elderly and disabled persons in order to comply with the Illinois Accessibility Code (71 Ill. Adm. Code 400), e.g., modifications to entrances and exits, parking improvements, modification of bathroom and kitchen facilities.
- 4) Planning Assistance – planning activities which focus on the needs of low- and moderate-income persons in the community, including feasibility studies, data gathering, analyses, preparation of plans, and identification of implementing actions.
- 5) The remaining major eligible cost category under the Community Development Assistance Program is general program planning and administration. This area covers the local government operational costs of implementing a local program. It includes costs involved in preparing the environmental review; preliminary engineering, planning, and design fees for the project; the cost of the local program audit; and other contractual costs for professional services that are associated with the administration of the program. It excludes all pre-program costs, such as payment or reimbursement of application preparation fees, costs associated with conducting a local survey, etc. There is a 10% ceiling placed on general program planning and administration costs for any local program.

b) Ineligible Projects and Activities—

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- 1) Generally, any type of activity not described or referred to in Section 110.60(a) is considered ineligible.
- 2) The following is a selective list of examples of projects and activities that are generally ineligible: buildings used predominantly for the general conduct of government (e.g., city halls, courthouses, jails, police stations, etc.). This does not exclude historic preservation. General government expenses; political activities; purchase of construction equipment and purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. However, CDAP funds may be used to purchase or to pay depreciation or use allowances for such items when necessary if the administration of activities was assisted with CDAP funds. The costs associated with operating and maintaining public facilities and services are generally ineligible. New housing construction is ineligible, except as provided under the last resort housing provision set forth in 49 CFR 24 (~~20041989~~), or, when carried out by a ~~subgranteesubrecipient~~ pursuant to ~~24 CFRsection~~ 570.204(a)(2) (~~2004~~-of the Act; income payments for housing or any other purpose (e.g., income maintenance, housing allowances, down payments, mortgage subsidies, etc.). All activities as listed in 24 CFR 570.482 (~~20041992~~) and ~~sectionSection~~ 105(a) of the Act are eligible.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.70 Grant Application Process

- a) Upon request, the Department of Commerce and Economic Opportunity Community Affairs will supply local governments with an application package. Applicants shall complete the package in accordance with the instructions and schedule annually established by the Department. Costs incurred in preparing the applications are not reimbursable.
- b) Pursuant to 24 CFR 570.486(5), applicants must provide for two public hearings, each at a different stage of the project to obtain citizen views.
 - 1) A minimum of one public meeting must be held prior to the submission of any application to the Department. This meeting, and its specific time, location, and topics must be published at least seven days in advance in

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the non-legal section of a newspaper that is in general circulation within the community. Subsequent to the meetings, a resolution of support from the local governing body must be passed that authorizes the local government to apply for funds. If an applicant plans to utilize ~~grant~~ [grants](#) funds as a ~~financial assistance loan~~ mechanism, discussion should be held at the public meeting to determine the planned uses of the recaptured funds.

- 2) Should an applicant be awarded a grant, the applicant must provide evidence (i.e., newspaper clipping of notice hearing and a summary of comments presented at hearing) that one public hearing was conducted to review program performance under that grant.
- c) Applicants must submit a plan for minimizing displacement pursuant to ~~section~~ [Section](#) 104(d) of the Housing and Community Development Act of 1974, as amended, only if the project will result in the displacement or relocation of residents.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.90 Set-Aside for Emergency Public Facilities Component

Certain types of conditions, such as natural disasters or other unique circumstances, e.g., loss of infrastructure due to construction, environmental incidents such as oil spills, ruptured public utility lines, etc., do not lend themselves well to a designated (yearly or quarterly) application cycle. In order to better respond to severe public works problems funds will be made available on an "as needed" basis. There is no application deadline for this set-aside. Awards could be made to communities that are faced with an immediate threat to health and safety. If no situations arise which warrant this type of assistance, the set-aside funds will be reallocated at the end of the program year to the competitive public facilities component.

- a) Project Eligibility Criteria – For a project to be eligible for funding under this component, applicants must document the following:
 - 1) At minimum, 51% of those ~~benefiting~~ [benefitting](#) from the project will be low to moderate-income persons (as defined in Section 110.30 of this Part).
 - 2) At minimum, 25% of project costs will be paid from other non-department funds. Examples of other funding sources may include USDA Rural

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Development, EPA or local funds. After the project is completed, the grantee may request, in writing, that the 25% minimum leverage requirement be waived. This request must include a reasonable justification, which would include, but not be limited to, instances where the actual total project cost was less than originally estimated, resulting in the return of a relatively small amount of CDAP grant funds in order to meet the 25% minimum. The Department shall review each request on a case-by-case basis.

- 3) A serious and urgent threat to the health and safety of community residents exists, i.e., a serious deficiency exists in a community public facility (or that the community lacks the facility entirely), and problems clearly attributable to the deficiency have occurred such as serious illness, disease outbreak, or serious environmental pollution. The community must substantiate that the situation was unforeseen.
 - 4) The project is ready to proceed and expend funds and the project addresses the identified problem.
 - 5) A financial need for grant assistance in order to address the identified problem.
- b) Application Review and Approval
- 1) Funds will be made available on an as needed basis through a noncompetitive process until all funds are obligated.
 - 2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part.
 - 3) Applications shall be reviewed in accordance with Section 110.103 of this Part.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.91 General Economic Development Component

The general economic development component is available to assist communities to attract or expand private businesses. The program provides [financial assistance at or below prevailing rates for comparable private market instruments](#) ~~low interest subordinate loans (at below the~~

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~~current prime rate (when the loan application is received) in the major money centers~~ to projects that create or retain jobs primarily for low to moderate-income workers. The ~~financial assistance terms loan term and amortization schedule~~ shall be flexible and consistent with the ~~terms of comparable private market instruments economic life of the asset being purchased~~. Public infrastructure grants may also be made. This assistance can benefit both private "for-profit" and "not-for-profit" organizations. ~~Grantees may administer and service financial assistance through various Financial Intermediary Agreements for either recipients or subgrantees~~. Funds will be made available on an as needed basis on a noncompetitive process until all funds are obligated.

- a) Project Eligibility Criteria – For a project to be eligible for funding under this component, applicants must document the following:
 - 1) At minimum, 51% of those ~~benefiting~~ ~~benefitting~~ from the project will be low to moderate-income persons (as defined in Section 110.30 of this Part).
 - A) The benefit of job creation shall be documented in either one of two ways:
 - i) Obtaining and keeping on file for verification the Family Income Verification Form which includes an employee's social security number, signature and family income; or
 - ii) Accepting employment referrals from the Illinois Employment and Training Center.
 - B) The benefit of the job retention of existing employees shall be documented by completing a Family Income Verification Form for each employee. These forms must be submitted at the time of application.
 - 2) The financial feasibility of the project and how program objectives will be met through proposed activities. Participating businesses must submit supporting financial data.
 - 3) If a start-up project is proposed, a 20% commitment of equity included in the leveraging, unless waived by the Director for good cause shown. Good cause may include, but is not limited to, cases where CDAP funds are used for the construction or rehabilitation of public infrastructure, where the equity requirement would work an unreasonable hardship upon

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the applicant, where the loan is sought by a minority enterprise, where other conditions of the ~~financial assistance loan~~ are so firmly supported that the equity requirement is not necessary or where the need for job creation in the geographical area far exceeds the relative security offered by the 20% equity requirement.

- 4) For public infrastructure projects in support of economic development, when the improvements are to take place in an area that is residential in character, that the area is comprised of at least 51% low to moderate-income persons.
- b) Application Review and Approval
- 1) Funds will be made available on an as needed basis throughout the year.
 - 2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part. Complete applications shall be reviewed and evaluated by Department staff. Applicants shall be notified of deficiencies and given the opportunity to correct such deficiencies through submission of additional documentation.
 - 3) The evaluation of projects shall be conducted to assure compliance with 24 CFR 570.203 (~~20042001~~) and shall also address the following criteria:
 - A) Project Need – Need for and use of program funds should be detailed. This evaluation shall include a review of all sources and uses of funds and an analysis of the ~~recipient's or subgrantee's/borrower's~~ ability to comply with the terms of the Financial Assistance Agreement ~~repay the funds~~ and the need for and extent of public funding.
 - B) Project Readiness – The applicant must demonstrate project readiness through a description of all activities. This shall include commitment from all lenders and investors, signed and dated.
 - C) Financial Evaluation – The company's financial statements for the past three years and two projected statements of financial condition shall be reviewed to determine: liquidity/debt coverage; ability of the company to manage debt; business trends; and projected earnings. This data shall be compared to similar data for

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companies in the same industry using the "RMA Annual Statement Studies" published by Risk Management Association, One Liberty Plaza, 1650 Market, Suite 2300, Philadelphia, PA 19103 (1999-2000), or a comparable source if such industry is not evaluated by this source. Financial statements are not required for public facilities in support of economic development.

- D) Commitment for Job Creation/Retention – Firm written assurances from the company must identify the number of jobs created/retained in a specified period of time and the specific number that shall be low to moderate-income and the methodology to be used to document low to moderate-income benefit. This review shall also include a determination of the numbers of jobs created/retained in relation to the amount of program funds. The investment per job shall not exceed \$15,000 per job.
- E) Resource Leveraging – The ratio of other (non-Department) funds to total CDAP funds being invested in the project will be considered. The evaluation threshold is a 2:1 ratio. The CDAP investment shall not exceed a 1:1 ratio.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.92 Competitive Public Facilities Construction and Design Engineering Component

The competitive public facilities component is designed to fund public facilities projects that propose to alleviate a serious threat to public health and safety. Applicants must demonstrate that a serious deficiency exists with an emphasis upon helping persons of low to moderate-income. Applications are due on an annual basis.

- a) Project Eligibility Criteria – For a project to be eligible for funding under this component, applicants must document the following:
 - 1) At minimum, 51% of those ~~benefiting~~benefiting from the project will be low to moderate-income persons (as defined in Section 110.30)
 - 2) At minimum, 25% of project costs will be paid from other non-department funds. Examples of other funding sources may include USDA Rural Development, EPA, or local funds. After the project is completed, the

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grantee may request, in writing, that the 25% minimum leverage requirement be waived. This request must include a reasonable justification, which would include, but not be limited to, instances where the actual total project cost was less than originally estimated, resulting in the return of a relatively small amount of CDAP grant funds in order to meet the 25% minimum. The Department shall review each request on a case-by-case basis.

- 3) A serious and urgent threat to the health and safety of community residents exists, i.e., a serious deficiency exists in a community public facility (or that the community lacks the facility entirely), and problems clearly attributable to the deficiency have occurred such as serious illness, disease outbreak, or serious environmental pollution.
 - 4) The project is ready to proceed and expend funds and the project addresses the identified problem.
- b) Application Review and Approval
- 1) Applications will be accepted once a year on a due date established at the beginning of the program year pursuant to Section 110.10(a)(4) of this Part.
 - 2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.
 - 3) Applications will be reviewed in accordance with Section 110.103 of this Part.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.110 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

- a) Compensation. The method of compensation shall be in accordance with the applicable State laws relative to such compensation by which the Department is governed. Payments to the [grantee](#) ~~Grantee~~ are subject to the receipt of electronic requests for fund transfers or expenditure summaries. The first payment for

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program initiation may be an advance and should be the amount necessary to meet the first month's non-administrative cost needs. Thereafter, the payments are dual purpose in that they will be sufficient to cover the non-administrative expenditures to date as well as the cash needs of the ~~grantee~~Grantee for the next 30 days. Administrative costs may be drawn as described above, or the ~~grantee~~Grantee may draw down administrative needs in equal, quarterly increments. Each request shall be certified to the effect that the ~~grantee~~Grantee has performed in conformance with the Grant Agreement and that it is entitled to receive the amount requisitioned.

- b) Reporting – An electronic reporting system or an Expenditure Summary and Payment Request form shall be submitted to the Department to request cash.
- c) Procurement – Procurement shall be conducted in accordance with 24 CFR 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments) (~~2004~~).
- d) Records – CDAP records shall be maintained in accordance with 24 CFR 85 of the Illinois Local Records Act [50 ILCS 205] and 24 CFR 570.490 (~~20042001~~) and are subject to the Freedom of Information Act [5 ILCS 140].
- e) Financial Management
 - 1) Grantees shall comply with financial management procedures provided in OMB Circular A-87, "Cost Principles for State and Local Governments", published May 4, 1995, and standards promulgated by the American Institute of Certified Public Accountants (AICPA), Harborside Financial Center, 201 Plaza 3, Jersey City NJ 07311, June ~~20032001~~, no later editions are incorporated.
 - 2) Audits shall be conducted in accordance with the Comptroller General's Standards for Audits of Governmental Organizations, Programs, Activities, or Functions, and the General Accounting Office's Guidelines for Financial and Compliance Audits of Federally Assisted Programs available from U.S. Comptroller General Standards, U.S. General Accounting Office, 441 G Street NW, Washington, DC 20548.
- f) Bonding and Insurance
 - 1) Bonding:

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- A+) Grantees: Grantees shall obtain a fidelity bond for each employee or official with access to project assets, accounting records, or checks. The bond (position or blanket) shall be in an amount at least ~~equal~~ to cover all CDAP funds contained in all bank accounts. The person with signature authority for the CDAP accounts must be bonded for this amount and his or her signature must appear on every check. The total bonding for each employee cannot be counted as a cumulative total. The cost of the fidelity bonds is a CDAP eligible administrative expense. ~~the total amount of the project assets which would be available to the project at any time.~~
- B) Grant Administrators: If the grant administrator processes payments on behalf of the grantee, the grant administrator shall obtain a fidelity bond for each employee with access to project assets, accounting records, or checks. The bond (position or blanket) shall be in the minimum amount of \$750,000. At least one of the persons with signature authority for the CDAP accounts must be bonded for this amount and his or her signature must appear on every check. The cost of the fidelity bonds is a CDAP eligible administrative expense.
- 2) Flood Insurance: Grantees shall comply with the flood insurance purchase requirements of Section 102(e) of the Flood Disaster Protection Act of 1973 (42 USC 4001).
- g) Expenditure of Project Funds – No project costs may be incurred prior to authorization, and release of funds will not occur without a fully executed grant award document. Costs may be incurred as follows:
- 1) CDAP administrative costs may be incurred as of the date of the grant award letter;
 - 2) Non-CDAP project costs (leverage funds) and CDAP-funded design engineering~~Design Engineering~~ costs may be incurred only after receiving a grant award letter and meeting environmental review requirements; and
 - 3) CDAP-funded projects costs may be incurred only after all of the above conditions have been satisfied and all specific grant conditions have been met.

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(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

SUBPART B: REVOLVING ~~LOAN~~ FUNDS**Section 110.210 Purpose**

- a) The Department is responsible for the administration and management of the CDAP. For the purpose of this program, the Department establishes grants with eligible units of local government throughout the State pursuant to Subpart A of this Part. Proceeds from those grants may be used to extend financial assistance~~loans~~ to private for-profit or not-for-profit entities~~businesses~~.
- b) In accordance with Title I of the Housing and Community Development Act of 1974 (Act) (42 USCA U.S.C.A. 5301), the Department may permit grantees to retain the ~~principal and interest~~ payments, including principal and interest, that may be generated from financial assistance~~these loans~~ made through the CDAP as long as those funds are deposited into a local revolving ~~loan~~ fund (RF)~~(RLF)~~ for economic development and the grantee has an approved recapture strategy (RF Plan or Recapture Strategy Plan)~~RLF Plan~~).
- c) The primary objective of CDAP-funded revolving funds (RF)~~RLFs~~ is to enable grantees to carry out local economic development activities in a way that will expand economic opportunity, principally for low and moderate-income persons. Each RF~~RLF~~ project shall result in private sector job creation or retention. At least 51% of such jobs shall be filled or retained by persons of low and moderate-income.
- d) The purpose of this Subpart is to provide rules governing and ~~regulations~~ relative to the administration of local RFs~~RLFs~~ funded through the CDAP.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.220 Definitions

"Administration" shall mean managing or servicing~~the management of~~ the day to day operations of CDAP-funded revolving funds. A financial intermediary may perform the day to day servicing functions of the financial assistance, as provided for in the Financial Intermediary Agreement.

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"Closed CDAP Grant" shall mean a grant for which the Department has issued a "Grantee Evaluation Report" (GER) final determination letter.

"Grantee Evaluation Report" shall mean a report summarizing grantee compliance with program objectives governing the grantee's CDAP grant. The GER shall provide:

- a description of citizen participation;
- a description of activities completed;
- an analysis of benefit to low and moderate-income persons;
- an analysis of benefit to minorities, handicapped and female heads of household; and
- a description of activities undertaken to affirmatively further fair housing.

"Low and Moderate-Income Persons" shall mean those individuals in a family whose income is less than 80% of the median income of the area (for non-metropolitan areas the non-metropolitan median income or county income shall apply, whichever is higher).

"Program Income", as it pertains to a revolving fund (RF), shall mean gross income earned by the grantee or its recipientsubrecipient directly generated from the use of CDAP funds and/or RF (grants or program income). Program income includes, but is not limited to, the following:

payments, which may include ~~of~~ principal and interest, derived from Financial Assistance Agreements ~~on loans~~ made using CDAP funds;

interest earned on CDAP funds held in a revolving fund account;

payments, which may include ~~of~~ principal and interest, derived from Financial Assistance Agreements ~~on loans~~ made using existing revolving fundsRLF funds.

"Revolving Fund" (RF) shall mean a separate fund (with a set of subaccounts that are independent of CDAP or other program accounts) established for the purpose of carrying out specific financial assistance activities thatwhich, in turn, generate

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~~payments program income to be deposited into~~ the ~~RF fund~~ for use in carrying out ~~such~~ activities consistent with the RF approved recapture strategy as defined in Section 110.230.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.230 Recapture Strategy Requirements

As a condition of approval for releasing CDAP funds, each grantee undertaking ~~an~~ RFRLF program for local economic development shall submit for Department approval an RFRLF Plan, also known as a "~~recapture~~Recapture strategy", ~~Strategy~~, pursuant to Section 110.210(b) of this Subpart. This plan shall describe the policies and procedures governing the RFRLF and provide sufficient information to assure the Department that the RFRLF shall be administered in conformance with this Subpart. The elements listed below shall be included in the RFRLF Plan:

- a) RFRLF Goals and Objectives: A clear set of goals and objectives for the RFRLF shall be developed. These goals and objectives shall serve as a basis for the development of an organizational strategy and operating plan.
- b) RFRLF Strategy: A strategy shall be developed ~~that~~ which describes how the RFRLF will achieve the stated goals and objectives. This strategy shall include:
 - 1) A description of the eligible uses of the funds.
 - 2) A description of the geographic area within which the funds will be ~~utilized~~loaned.
 - 3) A description of the ~~RF's~~RFRLF's targeting strategy (e.g., retention of traditional industrial base firms, start-up firms, minority and women-owned businesses). The ~~RF's~~RFRLF's business targeting strategy shall tie closely with its economic development goals and objectives.
 - 4) A description of how the applications will be generated from potential ~~recipients~~borrowers, including how minority-owned businesses will be reached.
- c) RFRLF Management Plan: A system for effectively managing the RFRLF shall be developed. This system shall:
 - 1) Describe the ~~financial assistance~~loan decision-making process, including

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- any advisory bodies or financial assistance~~loan~~ review committees.
- 2) Identify how the RFRLF will be staffed. The ~~lending~~ staff shall have expertise in financial analysis and packaging.
 - 3) Describe how the Financial Assistance Agreements~~loans~~ will be serviced and monitored to hold the recipient~~borrower~~ accountable for receiving public benefit.
 - 4) If the grantee elects to utilize one or more Financial Intermediary Agreements, it shall describe how financial intermediaries may be used to accomplish the purposes of this Section.
- d) Assurances: A RF recapture strategy~~RLF recapture strategy~~ shall be developed that which includes the following assurances:
- 1) No more than 10% of the annual program income of~~revenue to~~ the RFRLF shall be used for administration of the RFRLF funds and such costs shall be documented.
 - 2) Assistance provided with RFRLF funds shall result in at least a 51 percent benefit to low and moderate-income persons and such benefit shall be documented.
 - 3) On a semi-annual basis, the grantee shall submit an RF status report to the Department.~~The grantee shall agree to report semi-annually to the Department regarding the status of the RLF.~~
 - 4) All changes to the recapture strategy shall be submitted to the Department for approval prior to ~~their~~ implementation.
 - 5) The grantee agrees to pursue all legal remedies to recover delinquent loans and/or enforce compliance with the terms of any Financial Assistance Agreement. Legal actions shall be those authorized by federal and State law, including civil debt collection actions.~~The grantee shall agree to pursue legal remedy to recover delinquent loans. Legal action shall include that authorized by federal and State law, including, but not limited to, efforts to collect and pursue the interests of the RLF through bankruptcy court.~~

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- 6) The grantee shall assure that one job will be created or retained for every \$15,000 of financial assistance provided~~loaned~~.
- 7) A minimum leverage ratio of \$1 non-CDAP funds to \$1 CDAP revolving funds~~RLF funds~~ must be obtained for each project. Revolving funds~~RLF funds~~ may not comprise more than 50% of the financing for any project.
- 8) The grantee shall assure that any and all environmental reviews will be completed for each project funded and it will assure that,~~as well as~~ prevailing wages are paid, if applicable.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.240 Revolving Fund~~RLF~~ Administration

- a) RF~~RLFs~~ shall have an administrative structure sufficient to carry out responsibilities for the day-to-day operations of the RF~~RLF~~.
- b) If the RF~~RLF~~ administrator is not the unit of local government, a written agreement shall be executed between the grantee and its RF~~RLF~~ administrator. This~~The~~ agreement shall remain in effect during the entire term of the Financial Assistance Agreement~~RLF administrator~~. If the grantee invests in a project with a financial intermediary, and the financial intermediary serves as the administrator, the terms governing this administration shall be included in the Financial Intermediary Agreement. The minimum provisions that shall be included in either the agreement or Financial Intermediary Agreement shall include the following~~are~~:
 - 1) a statement of work (with a work description and a budget; i.e., a breakdown of all fees and costs);
 - 2) requirements for the maintenance of records and reports;
 - 3) requirements for the management of the RF~~RLF~~;
 - 4) applicability of other program requirements;
 - 5) provisions for an annual audit of the RF~~RLF funds~~;
 - 6) provisions for suspension and termination of the agreement; and

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- 7) policy regarding reversion of assets at the termination of the agreement.
- c) Final authority for approving any financial assistance loans made through the RFRLF shall remain with the chief elected official of the unit of local government, unless formally delegated by resolution and outlined in a formal agreement pursuant to subsection (b)-above.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.250 Use of Revolving RLF Funds

- a) Revolving funds RLF funds may be used to finance:
- 1) Financial assistance Loans that shall result in job creation or retention for for-profit or not-for-profit businesses:
 - A) for fixed assets including land, buildings, machinery and equipment, including new construction or renovation of existing facilities;
 - B) to provide working capital;
 - C) to provide loan guarantees and interest supplements through the use of program income for RFRLF loans;
 - 2) Grants to the grantee units of local government for public infrastructure improvement projects when the activities will directly result in the creation and/or retention of jobs by a specifically identified for-profit or not-for-profit business which satisfies the requirements of Section 110.280 of this Subpart. The unit of local government must obtain a Participation Agreement with the benefiting business outlining the job creation and/or retention requirements as a result of this public infrastructure;
 - 3) Activities not listed in this subsection require written approval from the Department prior to final local approval; and
 - 4) Revolving funds RLF funds may be used for CDBG-eligible activities with prior written approval from the Department, provided that the unit of local government spends the fund in its entirety and the fund ceases to be

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used for the purpose of business loans.

- b) Revolving funds~~RLF funds~~ shall not be used to:
- 1) refinance existing private debts;
 - 2) finance the relocation of an industry or business from one area of the State to another (exceptions require prior written approval from the Department and shall be made in those instances in which a business can demonstrate that it can no longer operate in its existing location and that jobs would be lost to the State if financing is not received);
 - 3) finance any activities for speculative activities (i.e., commercial/retail development without lease agreements) or purposes;
 - 4) conduct general marketing activities; or
 - 5) prepare a CDAP application.
- c) Forgiveness of~~Forgivable~~ loans or other financial assistance is~~are~~ prohibited.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.260 Requirements for Revolving Fund~~RLF~~ Projects

- a) Each RF~~RLF~~ project shall create or retain at least one job for every \$15,000 of RF~~RLF~~ investment of CDAP funds.
- b) Job creation attributable to CDAP revolving funds~~RLF funds~~ shall take place within 24~~twelve~~ months after the disbursement~~disbursal~~ of funds.
- c) For each RF~~RLF~~ project that results in job creation, documentation shall be obtained and maintained in the local files, pursuant to Section 110.91(a)(1)(A)(i) and (ii) of Subpart A, which verifies that at least 51% of these new employees benefiting from the project are low and moderate-income persons.
- d) For each RF~~RLF~~ project that results in the retention of jobs, documentation in the form of employee income certifications shall be maintained in the local files, pursuant to Section 110.91(a)(1)(B) of Subpart A, which verifies that a minimum of 51% of the jobs retained are held by low and moderate-income persons at the

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time the ~~financial assistance loan~~ is made.

- e) A minimum leverage ratio of \$1 non-CDAP funds ~~to~~ \$1 CDAP ~~revolving funds~~ shall be obtained for each ~~RFRLF~~ project. ~~Revolving funds~~ shall not comprise more than 50% of the financing for any project.
- f) All ~~RFRLF~~ projects shall be conducted within the geographical jurisdiction specified in the ~~approved RF~~ ~~approved RLF~~ Plan.
- g) All businesses receiving or benefiting from ~~revolving funds~~ shall satisfy the requirements of Section 110.91(b)(3)(A), (B) and (C) of Subpart A.
- h) Each project shall meet the eligibility requirements of ~~section~~ ~~Section~~ 105 of the Act.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.270 Administrative Costs

- a) Eligible administrative costs include, ~~but are not limited to~~, salaries, supplies, utilities, ~~Financial Intermediary Agreement costs or~~ similar expenses necessary for managing ~~or servicing~~ the ~~RFRLF~~ portfolio and implementing the ~~RFRLF~~ project. All administrative costs paid with ~~RFRLF funds~~ shall be exclusively for ~~RFRLF~~ activities.
- b) Administrative costs may be paid from the grantee's own funds or from the ~~RFRLF~~.
- c) Administrative costs paid from ~~RFs~~ ~~RLFs~~ shall not exceed 10% of the ~~program income~~ received each calendar year (e.g., loan repayments, interest earned on ~~revolving funds~~ ~~RLF funds~~).
- d) Administrative costs shall be documented (e.g., timesheets, invoices, etc.).
- e) Administrative costs charged to the ~~RFRLF~~ shall not be used for general marketing activities ~~or~~ for the costs of preparing an application for a new CDAP grant from the Department.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

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Section 110.280 Revolving Fund~~RLF~~ Fundability Analysis

Each ~~RFRLF~~ shall have a standard RF financial assistance~~RLF loan~~ application. The ~~RFRLF~~ administrator shall conduct a review and maintain documentation for each ~~RFRLF~~ application to support that minimum program requirements have been satisfied pursuant to Sections 110.250 and 110.260 of this Subpart and that fundability is consistent with the following:

- a) Financial Feasibility Evaluation – The ~~RF RLF~~ applicant shall submit supporting financial data which at a minimum shall include the following information:
 - 1) A brief history of the business and past employment growth.
 - 2) Market Information on the business' products or services and identification of existing and potential major customers and competitors.
 - 3) Three years historical financial statements which consist of: a balance sheet, profit and loss statement and a reconciliation of net worth. This information shall cover three years, as well as the most recent 90 days. Accountant's notes or detailed notes, in those instances in which the statement is not audited, shall be included with the statement.
 - 4) Prior three years of tax statements for those small businesses with no formal financial statements.
 - 5) Personal financial statement of each principal (sole proprietor, partner, officer, stockholder) owning 20 percent or greater share of the outstanding stock or interest in the business, as well as a brief personal history statement for each.
 - 6) Projected earnings report which includes a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. Base assumptions shall also be included.
 - 7) Business plan and/or market feasibility information which addresses business products or services and identifies existing and potential major customers and competitors.
 - 8) Financial statements of the general partners, if a business is a limited partnership. If a business is a corporate general partner, the personal and corporate financial statements of the general partner shall be submitted.

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- 9) A list of major equipment or classes of equipment to be acquired. For acquisition of new machinery and equipment, reliable vendor cost estimates shall be provided. For used machinery and equipment acquisition, an appraisal shall be provided which demonstrates that the fair market value is in line with the purchase price.
 - 10) A detailed explanation of the need for and specific use of working capital. If used for inventory, a list with supporting cost estimates shall be provided.
 - 11) A list of all sources of leveraging documented by written letters of commitment. Loans from financial institutions used as leverage shall indicate approval as well as the loan amount, the specified term and rate, collateral, and conditions attendant to the loan. Equity contributions shall be documented through signed letters from the benefiting business.
 - 12) Documentation of the legal status of the borrower and authorization to enter into the loan, e.g., Articles of Incorporation, Secretary's Certificate, Certificate of Good Standing, etc.
 - 13) A letter verifying the number of jobs to be created and/or retained, including the number to be filled by low and moderate-income persons and the specific time period over which this will occur.
- b) Determination of Need – Documentation shall be maintained by the [RFRLF](#) administrator to verify that the [RFRLF](#) application review procedures include criteria to determine if [revolving funds](#)~~RLF funds~~ are necessary. Such criteria shall consist of the following elements:
- 1) Evaluation of Project Costs – All costs associated with the project shall be verified prior to making a funding determination and establishing a funding level. Third party cost estimates shall be obtained to document all project costs. If a grantee does not use third-party quotations to verify cost elements, then the grantee shall conduct its own cost analysis using appropriate cost estimating manuals or services.
 - 2) Verification of Other Funding Sources – At a minimum, the loan applicant shall show evidence, in the form of a bank commitment letter, of the level of financing that a bank will commit. This review shall also include an

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analysis of the private equity available to be committed to the project. All sources of funding shall be firmly committed in writing and maintained in the loan file. All units of local government with existing ~~RFs~~~~RLFs~~ shall utilize all available ~~revolving funds~~~~RLF funds~~ prior to requesting funds through CDAP.

- 3) The grantee shall review the applications to ensure that, to the extent practicable, CDBG funds will not be used to substantially reduce the amount of ~~non-RF~~~~non-RLF~~ financial support for the activity. To reach this determination, the grantee shall conduct a financial analysis of the project, including review of the appropriate projections of revenue, expenses, debt service and return on equity investments. The extent of the review shall be appropriate for the size and complexity of the project and use industry standards for similar projects, taking into account the unique factors of the project such as risk and location. ~~4) Return of Equity Investment—To the extent practicable, the RLF-assisted activity shall not provide more than a reasonable return on investment to the owner of the assisted project.~~

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.290 Revolving Fund Financial Assistance~~RLF Loan~~ Closings

Each grantee shall establish a ~~financial assistance~~~~loan~~ closing process for its ~~RF~~~~RLF~~ ~~that which~~ shall govern the negotiation and signing of the ~~loan~~ agreement and disbursement of the ~~loan~~ proceeds. This process finalizes the terms, conditions and covenants of the ~~financial assistance~~~~loan~~.

- a) The grantee shall establish a standardized ~~financial assistance~~~~loan~~ closing agenda or checklist which specifies legal and other programmatic documents required in connection with the ~~Financial Assistance Agreement~~~~loan~~ (e.g., documents and attachments which support collateral, amortization schedule, budget, project description, promissory note, finalization of hiring commitments and all outside financing sources per Section 110.280(b) of this Subpart).
- b) The ~~RF~~~~RLF~~ administrator shall obtain and review a letter from the ~~recipient's legal counsel that borrower's Counsel which~~ states that the business is in compliance with all federal and ~~State state laws~~~~law~~, as applicable, and that the company has no hidden liabilities or encumbrances.

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- c) Financial assistance documents may include the following:
- 1) A standardized loan document, including a loan agreement, promissory note and security agreement shall be developed which shall be a binding enforceable document.
 - 2) A standardized financial assistance document shall be developed for each type of assistance utilized by the grantee.
- d) Documentation shall be maintained in each financial assistance~~loan~~ file demonstrating that compliance with all terms and conditions contained in the Financial Assistance Agreement have been met~~which demonstrates that the RLF loan security interest is perfected (e.g., personal and corporate guarantees, U.C.C. filings, mortgages) and those filings shall be updated, as necessary.~~

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.300 Security

- a) All RFRLF loans from grantees units of local government to their recipients~~businesses~~ shall be secured with a mortgage, security agreement, promissory note, financing statement or other assignment of rights of the assets of assisted recipients~~firms~~.
- b) In the event it is necessary or desirable to take actions to protect or further the interests of the RFRLF, the grantee shall take timely actions to sell, collect, liquidate or otherwise recover loans, ~~or~~ guarantees or other forms of financial assistance extended by the RFRLF in accordance with the legal rights of the grantee and its administrator, other participants~~lenders~~ and the recipient~~RLF borrower~~.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.310 Disbursement of Revolving RLF Funds

RFRLF administrators shall keep records showing that the invoices or other evidence of the actual costs of the recipient's~~borrower's~~ expenses were verified prior to the disbursement of RFRLF funds. Grantees shall also assure that their disbursements are only for items approved under the agreement with the recipient~~borrower~~. No RFRLF drawdown may occur until the closing date has occurred and documentation exists to release RFRLF funds to the

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recipientbusiness. The grantee may disburse funds to a financial intermediary that will close the Financial Assistance Agreement with the recipient for appropriate disbursement upon or after closing.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.320 Revolving Fund RLF Loan Monitoring

The purpose of ~~loan~~-monitoring is to assist recipientsbusinesses so they can successfully generate jobs for low and moderate-income persons and to safeguard the capital utilized loaned-out to assure availability of funds for future financial assistance projectsloans. This shall be accomplished through periodic and regular reviews and contact with recipientbusiness.

- a) A repayment schedule, where appropriate, shall be prepared for each financial assistance projectloan and shall be provided to the recipientborrower at the time ofloan closing. Procedures shall be established for notifying the recipientborrower in advance of each payment date and following up on delinquent payments. A sufficient ~~loan~~-monitoring system shall provide for:
 - 1) regular reporting;
 - 2) scheduled telephone contact;
 - 3) site visits;
 - 4) regular financial assistanceloan committee review of financial assistanceloan status;
 - 5) systematic reports and files; and
 - 6) ~~loan~~-collection procedures.
- b) Each RF granteeRLF grantee or administrator shall maintain a monitoring file for each Financial Assistance Agreementloan that includes the repayment schedule with repayment dates, if applicable, and amounts ~~noted~~, a log of telephone calls with the date and items discussed, copies of correspondence with the recipientborrower and progress reports.
- c) The RF granteeRLF grantee or administrator shall designate an individual to

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prepare and distribute a monthly loan status report, listing all outstanding ~~Financial Assistance Agreements~~loans and the individual payment status of each ~~agreement~~loan in a format that shall include the recipient's name, financial assistance~~borrower, loan~~ amount, date of ~~loan agreement~~agreement, payment due date, if applicable to the form of financial assistance, and the terms of the Financial Assistance Agreement~~rate and term of the loan~~. This status report shall also indicate whether recipient's payments, if applicable, are current or delinquent (i.e., late by 30 days, 60 days, etc.).~~The borrower's payment status shall also be included; i.e., current or late by 30 days, 60 days, etc.~~

- d) The grantee and the financial intermediary shall incorporate into the Financial Intermediary Agreement their respective responsibilities for monitoring the recipient and the agreement shall also establish the financial intermediary's reporting requirements to the grantee.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.330 Recordkeeping and Reporting

- a) Grantees shall maintain all records of financial, programmatic and compliance activities. All documents ~~that~~which are associated with a ~~financial assistance~~loan review process shall be maintained on file ~~with~~by the grantee.
- b) All grantees shall submit semi-annual status reports to the Department. The January-June report shall be due no later than July 31 of each calendar year; the July-December report shall be due no later than January 31 of each calendar year. Failure to submit semi-annual status reports could result in delayed reimbursement of other active CDAP payments to the grantee or rejection of pending CDAP grant applications. Status reports shall include the following information:
- 1) Date submitted;
 - 2) Name, title and telephone number of ~~the person~~persons preparing ~~the~~ report;
 - 3) Report period;
 - 4) Name of the unit of local government;

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- 5) Name of county;
- 6) Name of assigned Department compliance review staff;
- 7) ~~For each Department funded CDAP loan, the following:~~
 - A) ~~Grant number;~~
 - B) ~~Date of loan;~~
 - C) ~~Initial loan amount;~~
 - D) ~~Total amount to be recaptured, broken out by principal and interest;~~
 - E) ~~Total amount recaptured to date, broken out by principal and interest;~~
 - F) ~~Loan status (i.e., current (yes/no) or closed);~~
 - G) ~~If a loan is not current, date of last payment;~~
 - H) ~~A list of CDAP loans in default or in bankruptcy and a full description of the current status of those loans, including collection efforts;~~
- 7)8) For ~~financial assistance~~each loan made ~~from revolving funds~~out of the ~~RLF~~, the following:
 - A) Date of ~~agreement~~loan;
 - B) Name of ~~recipient~~company;
 - C) Initial ~~loan~~amount;
 - D) Total amount to be recaptured, broken out by principal, ~~and~~ interest ~~and other forms of payment~~;
 - E) Total amount recaptured to date, broken out by principal, ~~and~~ interest ~~and other forms of payment~~;

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- F) ~~Status~~Loan status (i.e., current (yes/no) or closed);
- G) Number of jobs created/retained ~~per loan~~;
- H) Number of jobs created/retained ~~per loan~~ for low and moderate-income persons;
- I) Source and amount of other financing;
- J) If payments scheduled under a Financial Assistance Agreement ~~area loan is~~ not current, date of last payment;
- K) A list of RF Financial Assistance Agreements~~RLF loans~~ in default or in bankruptcy and a full description of the current status of those Agreements~~loans~~, including collection efforts;
- ~~9)~~ Totals for information listed in subsections (b)(7)(E), (b)(8)(C) and (b)(8)(E) shall be included in the following computation: Total CDAP loan principal recaptured plus total CDAP loan interest recaptured minus total amount of revolving loans made plus total recaptured principal from revolving loans plus total recaptured interest from revolving loans minus eligible infrastructure expenditures minus eligible administrative expenses plus interest earned on deposits. The formula allows the grantee to determine the total amount in their RLF. This figure shall match the balance shown on the grantee's bank statement at the end of the report period. A copy of the bank statement shall be attached to the semi-annual report;
- ~~8)10)~~ A copy of the amortization, royalty payment, and other program income schedules that relate ~~schedule which relates~~ to each Financial Assistance Agreement~~loan~~; and
- ~~9)11)~~ Signature of the chief elected official for the unit of local government certifying that the information contained in the report is true and correct and is supported by documentation on file at their office.
- c) Each Department-funded CDAP Financial Assistance Agreement shall contain the following:

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- 1) Agreement number;
 - 2) Date of Financial Assistance Agreement;
 - 3) Initial amount;
 - 4) Total amount to be recaptured, broken out by principal, interest and other forms of payment;
 - 5) Total amount recaptured to date, broken out by principal, interest and other forms of payment;
 - 6) Status (i.e., current (yes/no) or closed);
 - 7) If payments scheduled under a Financial Assistance Agreement are not current, date of last payment;
 - 8) A list of CDAP Financial Assistance Agreements in default or in bankruptcy and the full description of the current status of those Agreements, including collection efforts.
- d) Totals for information listed in subsections (c)(5), (b)(7)(C) and (b)(7)(E) shall be included in the following computation: Total CDAP recaptured amounts less the total amount of financial assistance provided for the RF plus total RF recaptured amounts less eligible infrastructure expenditures less eligible administrative expenses plus interest earned on deposits. This formula allows the grantee to determine the total amount in its RF. This figure shall match the balance shown on the grantee's bank statement at the end of the report period. A copy of the bank statement shall be attached to the semi-annual report and submitted to the Department.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.340 Department Monitoring

- a) The grantee shall be responsible for operating the ~~RFRLF~~ in accordance with the terms of ~~its~~~~their~~ CDAP grant agreements and ~~its~~~~their~~ ~~RFRLF~~ Plan.
- b) The grantee shall permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to examine any

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documents, papers, and records of the grantee and the [RFRLF](#) relating to transactions of the [RFRLF](#).

- c) The Department shall monitor [RFRLF](#) programs using on-site visits, semi-annual status reports submitted by the grantee, disbursement transactions and other contacts with the grantee as necessary.
- d) Department monitoring procedures shall concentrate on [financial assistance loans](#) evaluation and decision-making as well as servicing and monitoring of [RF agreements](#) [RLF loans](#). The grantee shall remain responsible for the actions, compliance and recordkeeping of its administrator. Grantee communities are responsible for establishing a system to monitor the performance of their [RFRLF](#) administrator.
- e) Pursuant to its obligations under the Act, this Part, and the applicable grant agreements, the Department will conduct a program of [RFRLF](#) visitations for the purpose of providing technical assistance and monitoring the operations of the local [RF grantees](#) [RLF grantees](#). As a result of those visits, the Department may take any of the following actions, by way of sanctions against inappropriate local [RFRLF](#) activities or against the grantee jurisdiction:
 - 1) issue "Findings" outlining deficiencies in the [RFRLF](#) operations and requiring that they be corrected within a specified time;
 - 2) the Findings may mandate the return to the [RFRLF](#) account, from non-Block Grant sources, amounts disbursed for ineligible activities;
 - 3) require for a specified period of time (including permanently) that an [RFRLF](#) seek prior written approval from the Department for any specified activity. Specified activities may be limited, for instance, to include only new [Financial Assistance Agreements](#) [loans](#) made, or may include all [RFRLF](#) activities. This sanction may include the requirement that all application materials for new [financial assistance loans](#) be forwarded for review to the Department;
 - 4) the grantee may be deemed to be unable to continue operations of a local [RFRLF](#) program, in which case the Department may take any of the following actions:
 - A) revocation of local authority to operate a CDBG [RF](#); [RLF](#).

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- B) ~~the Department may~~ instruct the grantee to continue to collect loan payments of existing Financial Assistance Agreements loans and service the current portfolio. ~~;~~ ~~However~~~~however~~, no additional Financial Assistance Agreements loans would be allowed to be made from the portfolio. Instead, on a yearly basis the balance available in the account would be returned to the Department; ~~and-~~
- C) ~~instruct the grantee~~~~the Grantee may be instructed~~ to turn over the cash balance and loans in the RFRLF to the Department Illinois Department of Commerce and Community Affairs.
- f) The grantee or RFRLF administrator shall conduct at least one on-site monitoring visit of each RF financial assistance recipient~~RLF loan recipient~~ to verify job creation and retention, low and moderate-income benefit, documentation of expenditures, and compliance with the other terms and conditions of the Financial Assistance Agreement~~loan agreement~~ before closing out a project and shall maintain documentation of the visit.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.350 Evaluation of Performance

- a) The Department shall review the RFRLF to determine if the grantee has administered and carried out its RFRLF activities in compliance~~conformance~~ with the requirements and criteria outlined in Subpart B, with emphasis upon:
- 1) The requirements of Section 110.230 that there be an approved updated recapture strategy.
 - 2) The requirements of Sections 110.250 and 110.270 regarding the eligible uses of revolving funds~~RLF funds~~ and administrative costs.
 - 3) The requirements of Section 110.260, specifically Section 110.260(c), and Section 110.270(d) that outline~~outlines the~~ basic RFRLF requirements, stating that, especially Sections 110.260(c) and 110.270(d) that, for each Financial Assistance Agreement~~loan~~, not less than 51% of the jobs created or retained shall benefit low and moderate-income persons.
 - 4) The development of and adherence to sound administrative principles and

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procedures pursuant to the requirements of Sections 110.240, 110.280 and 110.290.

- 5) The requirements of Sections 110.300, 110.310, and 110.320 ~~of that~~ the ~~RFRLF~~ implement solid lending ~~and investing~~ practices and strict ~~loan~~ follow-up ~~procedures~~. This shall be evidenced by a ~~Financial Assistance Agreement compliance worksheet rate of default (i.e., loans more than 90 days in arrears)~~ acceptable to the Department ~~that includes information pertaining to and~~ based upon the number of ~~Financial Assistance Agreements~~ ~~loans~~ made through the ~~RFRLF~~, the number ~~of non-performing Financial Assistance Agreements~~ ~~defaulting~~, the underlying justification for the ~~financial assistance loan(s)~~ (Section 110.280) and the documentation on file regarding ~~loan~~ follow-up, including legal action.
 - 6) The ~~grantee's past performance and~~ past willingness to act on Department recommendations resulting from its periodic monitoring visits pursuant to Section 110.340.
- b) With the receipt of any new economic development grant awarded under Subpart A of this Part, the Department shall evaluate the performance of an existing ~~RFRLF~~ using the criteria found in subsection (a) of this Section as a condition of retaining future ~~loan~~ repayments.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

Section 110.360 Program Income Subject to the Act

- a) Any program income (as defined in Section 110.220 of this Subpart) that the Department has permitted a grantee to retain and that is realized while the grantee has an open CDAP grant is subject to the requirements of the Act and 24 CFR 570.
- b) Program income retained by the grantee ~~and~~ generated from a grant award prior to October 28, 1992 is not subject to the Act and 24 CFR 570 under the following conditions:
 - 1) The CDAP grant which generated the income is closed. For purposes of this Subpart, a closed project is defined in Section 110.220 of this Subpart; and

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- 2) All concurrent CDAP grants are closed.
- c) Program income retained by the grantee, ~~and~~ generated from a grant awarded after October 28, 1992 is subject to the Act and 24 CFR 570.
- d) If the grantee's CDAP grant records are ~~insufficient not sufficient~~ to determine when program income was earned in relation to close-out of the ~~grantee's grantees'~~ CDAP projects, those ~~RFRLF funds~~ shall be considered subject to the Act.
- e) Regardless of when the program income is earned, the ~~RFRLF~~ shall always be subject to the requirements of the approved recapture strategy and each beneficiary of funds through the ~~RFRLF~~ shall benefit at least 51% low and moderate-income persons.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)

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- 1) Heading of the Part: Boiler and Pressure Vessel Safety
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
120.10	Amendment
120.11	Amendment
120.15	Amendment
120.20	Amendment
120.30	Amendment
- 4) Statutory Authority: Authorized and Implemented by Section 2 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2]
- 5) Effective date of rulemaking: September 24, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. In Section 120.11, certain addenda were updated and an incorporation by reference was deleted.
- 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: July 2, 2004; 28 Ill. Reg. 9024
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No substantive changes have been made in the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.
- 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: References to Special Inspector Trainee are being deleted because there is no such individual. Certain National Standards are being

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updated or deleted. Certain fees are being raised. The maximum amount that can be charged annually for a boiler or pressure vessel has been raised. Groups of heating and hot water supply boilers connected together shall be registered as one unit and receive one Inspection Certificate under specified circumstances; as a result, each boiler will not be charged a separate fee.

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

David A. Douin
Director, Division of Boiler & Pressure Vessel Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703-4259
217/785-1008
Fax: 217/785-4184

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

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TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHALPART 120
BOILER AND PRESSURE VESSEL SAFETY

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section

120.4	Foreward (Repealed)
120.7	Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
120.10	Definitions
120.11	Incorporation of National Standards
120.15	Fees
120.20	Administration
120.30	Inspectors, Examinations, Certificate of Competency and Commission
120.41	Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION,
MAINTENANCE, AND USE

Section

120.100	New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
120.105	Boiler Exemptions
120.200	New Installations of Pressure Vessels
120.205	Pressure Vessel Exemptions
120.300	Existing Installations of Power Boilers
120.400	Existing Installations of Miniature Boilers (Repealed)
120.500	Operation of Boilers and Pressure Vessels
120.600	Existing Installation of Pressure Vessels
120.700	General Requirements for all Boilers and Pressure Vessels (Repealed)
120.800	Nuclear Power Plant Components (Repealed)
120.900	Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section

120.1000	Repairs and Alterations to Boilers and Pressure Vessels by Welding
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120.1010	Authorization to Repair Boilers and Pressure Vessels
120.1020	Issuance and Renewal of the Certificate
120.1030	Changes to Certificates of Authorization
120.1040	Quality Control Requirements
120.1041	Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

Section	
120.1100	Procedure for the Issuance of a State Special Permit

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section	
120.1200	Authorization for Repair of Safety & Safety Relief Valves
120.1210	Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
120.1220	Issuance and Renewal of the Certificate
120.1240	Changes to Certificates of Authorization
120.1250	Repairs to Safety and Safety Relief Valves
120.1260	Quality Control System
120.1270	Nameplates
120.1275	Field Repair
120.1280	Performance Testing of Repaired Valves
120.1285	Training of Valve Repair Personnel
120.1290	ASME "V", "UV" or National Board "VR" Certificate Holders

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section	
120.1300	Introduction
120.1301	Authority and Responsibility
120.1305	Organization
120.1310	Inservice Inspection Program
120.1320	Drawings, Design Calculations, and Specification Control
120.1325	Material Control
120.1330	Examination and Inspection Program
120.1335	Correction of Nonconformities
120.1340	Welding
120.1345	Nondestructive Examination

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120.1350 Calibration of Measurement and Test Equipment
120.1355 Records
120.1360 Inspectors

120.APPENDIX A Operational and Maintenance Log
 120.EXHIBIT A Hot Water Heating Boilers
 120.EXHIBIT B Steam Heating Boilers
120.APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Section 2 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill. Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 23 Ill. Reg. 162, effective January 1, 1999; amended at 24 Ill. Reg. 18555, effective December 7, 2000; amended at 25 Ill. Reg. 11914, effective January 1, 2002; amended at 27 Ill. Reg. 518, effective January 01, 2003; emergency amendment at 27 Ill. Reg. 14855, effective September 2, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1737, effective January 13, 2004; amended at 28 Ill. Reg. 13509, effective September 24, 2004.

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section 120.10 Definitions

Act or the Act means the Boiler and Pressure Vessel Safety Act [430 ILCS 75].

Alteration means any change in the item described on the original Manufacturers' Data Report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered an alteration.

API 510 means the Maintenance, Inspection, Rating, Repair and Alteration of

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Pressure Vessels as published by the American Petroleum Institute.

Approved means approved by the Board of Boiler and Pressure Vessel Rules.

ASME Code means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Council of the Society and approved and adopted by the Board. Copies of the Code may be obtained from said Society at 345 E. 47th Street, New York, New York 10017.

Authorized Inspection Agency means one of the following:

A department or division established by a jurisdiction which has adopted one or more Sections of the ASME Code and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors;

An inspection agency of an insurance company which is authorized (licensed) to insure and is insuring boilers and pressure vessels in those jurisdictions which have examined the agency's inspectors to represent such jurisdictions as is evident by the issuance of a valid Certificate of Competency to the inspector; or

An owner or user of boilers and pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements established by the Board and contained in this Part.

Authorized Repairer means a holder of a Certificate of Registration issued pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Board means the Board of Boiler and Pressure Vessel Rules created by the Act and empowered to make, alter, amend and interpret rules and regulations for the safe construction, installation, inspection, alteration, and repair of boilers and pressure vessels and for establishing fees.

Boiler means a vessel intended for use in heating water or other liquids or for generating steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, or waste gases.

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Certificate Inspection means an inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding or revoking the inspection certificate. The Certificate Inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

Certificate of Competency means a certificate issued to a person who has passed the examination prescribed by the Board.

Certificate of Registration means a certificate issued by the Office pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Commission, National Board means the commission issued by the National Board to a holder of a Certificate of Competency who desires to make shop inspections or field inspections in accordance with the National Board bylaws and whose employer submits the inspector's application to the National Board for such commission.

Condemned Boiler or Pressure Vessel means a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by the Chief or Deputy Inspector.

Division means the Division of Boiler & Pressure Vessel Safety.

Electric Boiler means a boiler in which the source of heat is electricity.

Engineer means a registered professional engineer registered in accordance with the Illinois Professional Engineering Act [225 ILCS 325] or a person who graduated from an accredited college or university and either:

holds a mechanical engineering degree, or

has five years experience in a related field (e.g., civil engineering, metallurgical engineering, industrial engineering, design engineering, maintenance engineering, project engineering or construction, maintenance, repair or operation of high pressure boilers and pressure vessels).

Existing Installation means and includes:

Any boiler installed and placed in operation within the State of Illinois

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before May 1, 1953.

Any hot water supply boiler installed and placed in operation within the State of Illinois on or before July 9, 1957.

Any pressure vessel installed and placed in operation within the State of Illinois on or before December 31, 1976.

External Inspection means an inspection made when a boiler or pressure vessel is in operation, if possible.

Heating Boiler means a steam boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet.

High Pressure Boiler means a boiler where steam is generated at a pressure in excess of 15 psig or a water boiler operated in excess of 160 psig and/or temperatures in excess of 250° F.

High-Temperature Water Boiler means a water boiler operating at pressures exceeding 160 psig and/or temperatures exceeding 250° F. at or near the boiler outlet.

Hot water supply boiler means a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet except those exempted pursuant to the Boiler and Pressure Vessel Safety Act and this Part.

Inspection Certificate means a certification issued by the Chief Inspector for the operation of a boiler or pressure vessel as required by the Act.

Inspector means the Chief Inspector or Deputy Inspector or Special Inspector or Owner-User Inspector.

Chief Inspector means the Chief Boiler and Pressure Vessel Inspector employed under the Act.

Deputy Inspector means any inspector employed under the provisions of the Act.

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Special Inspector means an inspector holding an Illinois Certificate of Competency and who is regularly employed by an insurance company authorized to write boiler and pressure vessel insurance in this State.

~~Special Inspector Trainees are those inspectors described in Section 120.30.~~

Owner-User Inspector means an inspector described in Section 120.1360 continuously employed as an inspector by an Owner-User Inspection Agency.

Internal Inspection means as complete an examination as can reasonably be made of the internal and external surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the inspector.

Jurisdiction means a state, commonwealth, county or municipality of the United States or a province of Canada which has adopted one or more sections of the ASME Code and maintains a duly constituted Department, Bureau, or Division for the purpose of enforcement of such Code. In Illinois the Division of Boiler and Pressure Vessel Safety is the jurisdiction except for the City of Chicago.

Lined Potable Water Heater shall mean a water heater with a corrosion resistant lining, used to supply potable hot water.

Low Pressure Boiler means a steam boiler operated at pressures exceeding 15 psig or a hot water boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F.

Miniature Boiler means any boiler which does not exceed any of the following limits:

16 inches inside diameter of shell

20 square feet heating surface

5 cubic feet gross volume, exclusive of casing and insulation

100 psig maximum allowable working pressure

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National Board Inspection Code or NBIC means the Manual for Boiler and Pressure Vessel Inspectors published by the National Board. Copies of the Code may be obtained from the National Board.

National Board means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the Chief Inspectors of jurisdictions who are charged with the enforcement of the provisions of the ASME Code.

New Boiler Installations means and includes all boilers constructed, installed and placed in operation within the State of Illinois after May 1, 1953, and all hot water supply boilers installed and placed in operation after July 9, 1957.

New Pressure Vessel Installations means and includes any pressure vessel installed and placed in operation within the State of Illinois after December 31, 1976.

Non-Standard Boiler or Pressure Vessel means a boiler or pressure vessel that does not bear the ASME Stamp or the API-ASME Stamp.

Office means the Office of the State Fire Marshal.

Operator means any individual who has charge of a boiler or pressure vessel as defined by the Act, and whose duties include operation and maintenance of such devices.

Owner or User means any person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel within the State.

Owner-User means an owner and user qualified under Section 15 of the Act.

Place of Public Assembly means a building or specific area, including outdoor areas, in which persons assemble for civic, educational, religious, social or recreational purposes or which is provided by a common carrier for passengers awaiting transportation or in which persons are housed to receive medical, charitable or other care or treatment, or are held or detained for public, civic or correctional purposes.

Portable Boiler means an internally fired boiler which is primarily intended for

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temporary location and the construction and usage of which permits it to be readily moved from one location to another.

Power Boiler means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes a high-pressure, high-temperature water boiler.

Pressure Vessel means a vessel in which pressure is obtained from an external source, or by the application of heat from an indirect source or from a direct source other than those boilers as defined above.

PSIG means pounds per square inch gauge.

Reinstalled Boiler or Pressure Vessel means a boiler or pressure vessel removed from its original setting and reinstalled at the same location within the State of Illinois or at a new location without change of ownership.

Relief Valve means an automatic pressure relieving device actuated by the static pressure upstream of the valve which opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

Repair means work necessary to return a boiler or pressure vessel to a safe operating condition.

Rerating means a change in the maximum allowable working pressure or temperature of a boiler or pressure vessel regardless of whether or not physical work is performed on the boiler or pressure vessel. Rerating shall be considered an alteration.

Safety Relief Valve means an automatic pressure actuated relieving device suitable for use as a safety or relief valve, depending on application.

Safety Valve means an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is used for gas or vapor service.

Secondhand Boiler or Pressure Vessel means a boiler or pressure vessel which has changed both location and ownership since primary use.

Standard Boiler or Pressure Vessel means a boiler or pressure vessel which bears

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the ASME Code Symbol.

State Special means a pressure vessel of special construction that may not be constructed in accordance with the ASME Code. See Subpart E, Section 120.1100 of this Part, for the procedures for granting a State Special.

Underwriters Laboratories (U.L.) means a non-profit independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems and materials to determine their relationship to life, fire and casualty hazards.

Welding or Arc Welding means a group of welding processes wherein coalescence is produced by heating with an arc or arcs, with or without the application of pressure, and with or without the use of filler metal.

(Source: Amended at 28 Ill. Reg. 13509, effective September 24, 2004)

Section 120.11 Incorporation of National Standards

Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

- a) The Board hereby adopts the following nationally recognized standards and addenda:

ASME CSD-1a-1998	Controls and Safety Devices for Automatically Fired Boilers
NFPA 8501-97	Single Burner Boilers – Furnaces
NFPA 8502-99	Multiple Burner Boilers – Furnaces
NFPA 8503-97	Pulverized Fuel Systems
ASME Boiler and Pressure Vessel Code (2001) with 2003 2002 addenda	
Section I	Power Boilers
Section II	Material Specifications – Part A – Ferrous
Section II	Material Specifications – Part B – Nonferrous
Section II	Material Specifications – Part C – Welding Rods Electrodes and Fillers Metals
Section II	Material Specifications – Part D – Properties
Section IV	Heating Boilers

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Section V	Nondestructive Examination
Section VI	Recommended Rules for Care and Operation of Heating Boilers
Section VII	Recommended Rules for Care of Power Boilers
Section VIII	Pressure Vessels – Division 1 Including Appendix M
Section VIII	Pressure Vessels – Division 2 – Alternative Rules
Section VIII	Pressure Vessels – Division 3 – Alternative Rules for High Pressure Vessels
Section IX	Welding and Brazing Qualifications
Section X	Fiberglass – Reinforced Plastic Pressure Vessels

National Board of Boiler & Pressure Vessel Inspectors

Inspection Code (2001) with ~~2003~~2002 addenda

~~National Board Rules and Recommendations for the Design and Construction of Boiler Blowoff Systems (1991)~~

American Petroleum Institute

API-510, Eighth Edition, First Supplement, "API Recommended Practice for Inspection, Repair, and Rating of Pressure Vessels in Petroleum Refining Service"

API – American Petroleum Institute
1220 L Street, Northwest
Washington, D.C. 2005
www.api.org

ASME – American Society of Mechanical Engineers
United Engineering Center
345 East 47th Street
New York, New York 10017
www.asme.org

NB – National Board of Boiler & Pressure Vessel Inspectors
1055 Crupper Avenue
Columbus, Ohio 43229
www.nationalboard.org

NFPA – National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269-9101

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www.nfpa.org

(Source: Amended at 28 Ill. Reg. 13509, effective September 24, 2004)

Section 120.15 Fees

As authorized by the Boiler and Pressure Vessel Safety Act, the Board hereby establishes the following fees to be collected for services rendered:

Examinations \$30

Commissions

New Issuance \$40~~25~~

Renewal \$25~~15~~

All Certificates of Inspection..... \$70

Inspections conducted by the Division

High Pressure and High Temperature Water Boilers

Boilers without a manhole \$30

Boilers with a manhole \$60

Low Pressure Steam and Water Boilers

Boilers without a manhole \$30

Boilers with a manhole \$60

Hot water supply boilers \$30

No more than \$130~~120~~ shall be charged for one boiler in any one year.

Pressure Vessels

Fees are based on the product of the overall length times the width or diameter of the vessel expressed in square feet.

50 sq. ft. or less \$25

51 sq. ft. to 150 sq. ft. \$50

over 150 sq. ft. \$75

No more than \$160~~120~~ shall be charged for any one pressure vessel in any one year.

Annual Statements (Owner-Users)..... \$35 per vessel

Miscellaneous

Witness a hydrostatic test \$100

Joint reviews, audits, shop inspections

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½ day.....	\$300
Full day	\$500
Plus expenses, including travel and lodging.	

(Source: Amended at 28 Ill. Reg. 13509, effective September 24, 2004)

Section 120.20 Administration

- a) Applying State Serial Number. The State serial number on boilers shall be not less than $\frac{5}{16}$ " in height and shall be preceded by the letters "ILL" which shall also be not less than $\frac{5}{16}$ " in height. Boilers will be identified by a five digit number. The State serial number on pressure vessels shall be not less than $\frac{5}{16}$ " in height and shall be preceded by the letters "ILL" and the letter "U" which shall be not less than $\frac{5}{16}$ " in height. Pressure vessels will be identified by a six digit number. The Inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel at the time of inspection.
- b) First Time Inspection. Effective January 1, 1999, all first time inspections of boilers and pressure vessels shall be performed by the Chief or a Deputy Inspector employed by the Division.
- c) Basis for Extending Certificate.
 - 1) The Chief Inspector is authorized to extend, for a period not exceeding one year, the time within which power boilers are required to be internally inspected, subject to the following conditions and qualifications:
 - A) The analysis and treatment of feedwater for such power boilers shall be under the supervision of a person qualified in the field of water chemistry.
 - B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, encrusting and sludging factors affecting the safety of the boiler.
 - 2) The owner or user of such power boilers must maintain, for examination by the inspector, accurate records of such chemical and physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records must specify dates and times of analyses, by whom analyzed, and

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the treatment applied at that time, and should be certified by the responsible authority. These records will adequately show the conditions of such water and any constituents or characteristics which are capable of producing corrosion or other deterioration of the boiler or its parts.

- 3) The Chief Inspector is authorized to review the qualifications of the supervisor and the acceptability of supervision in accordance with the foregoing.
 - 4) Application for extension shall be by letter setting forth facts establishing compliance with the foregoing conditions and qualifications, and shall be accompanied by the report of external inspection.
- d) **Unsafe Boilers or Pressure Vessels.** Any boiler or pressure vessel having been inspected and declared unsafe by an inspector shall have the Inspection Certificate suspended.
- e) **Factors of Safety for Existing Installations.** An inspector shall increase the factors of safety if the condition of a boiler or pressure vessel warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the Board.
- f) **Frequency of Inspection of Boilers and Pressure Vessels.**
- 1) Power boilers and high temperature water boilers shall receive a certificate inspection annually, which shall be an internal inspection where conditions permit. Such boilers shall also be inspected externally annually while under representative operating conditions, if possible.
 - 2) Low pressure steam and hot water heating boilers and hot water supply boilers shall be inspected both internally and externally every two years where conditions permit and shall receive a certificate inspection every two years. Groups of heating and hot water supply boilers connected together shall be registered as one unit and receive one **Inspection Certificate** when the following conditions are met:
 - A) No unit exceeds 400,000 BTU input;
 - B) All units being considered in the assembled modular unit are connected to a common header or manifold; and

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- C) No more than 8 units can be grouped together and registered as one unit.
- 3) Inspection of the flame safeguard equipment shall be in conjunction with the regular inspections of boilers.
- 4) Pressure vessels subject to internal corrosion shall receive a certificate inspection every three years. This inspection shall be external and internal where conditions permit. However, owner users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the ~~NBICN-B.I.C.~~ for inspection intervals.
- 5) Pressure vessels not subject to internal corrosion shall receive a certificate inspection every three years. However, owner users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the ~~NBICN-B.I.C.~~ for inspection intervals.
- g) Inspection and Inspection Certificate Fees.
- 1) If a boiler or pressure vessel shall, upon inspection, be found to be suitable and to conform to this Part, the owner or user shall pay the fees as established by the Board for each boiler and pressure vessel inspected before an Inspection Certificate shall be issued.
- 2) If the owner or user of each boiler or pressure vessel required to be inspected refuses or fails to allow an inspection to be made or refuses or fails to pay the appropriate ~~fees~~fee(s), the Inspection Certificate shall be suspended by the Chief Inspector until the owner or user complies with the requirements.
- 3) The owner or user who causes a boiler or pressure vessel to be operated without a valid Inspection Certificate shall be subject to the penalty as provided in the Act.
- h) Inspectors to Have no Other Interests. It is prohibited for any employee of the Division of Boiler and Pressure Vessel Safety to accept any compensation or remuneration from any source for acting as a Consultant, Engineer, Safety Engineer, Safety Specialist, etc., or under any other title. Employees of this Division shall not be engaged in the sale of any article or device that is related to

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boilers or pressure vessels and shall devote their full time to inspection work.

- i) Installing Used or Second-hand Boilers or Pressure Vessels. A certificate inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation in this State. In a case where a boiler or pressure vessel is moved and reinstalled, the fittings and appurtenances shall be upgraded to comply with the ~~rules~~Rules for new installations.
- j) Inspectors to Notify Chief Inspector of defective boilers and pressure vessels. If an inspector finds that a boiler or pressure vessel or any of the appurtenances are in an unsafe condition the inspector shall immediately notify the Chief Inspector and submit a report of the defects.
- k) Insurance Agencies to Notify the Chief Inspector of New, Cancelled or Suspended Risks. All Insurance Agencies shall notify the Chief Inspector within 30 days of all boiler or pressure vessel risks written, cancelled, not renewed or suspended in Illinois.
- l) Manufacturers Data Reports to Be Filed. Effective January 1, 1974, Manufacturers Data Reports on boilers and as amended December 31, 1976, for pressure vessels, which are to be installed in the State of Illinois (unless otherwise exempted by this Part) shall be filed with the Chief Inspector through the National Board. It is intended that each boiler and pressure vessel so filed should be assigned a National Board number.
- m) Boilers and Pressure Vessels without ASME Stamping. If the boiler or pressure vessel does not bear the ASME stamping, then the drawings, data and material showing all details of construction shall be submitted to the Chief Inspector and his approval obtained before installation in this State. The Chief Inspector shall grant his approval if the construction, materials and inspection requirements meet the ~~rules~~Rules except for ASME stamping.
- n) Notification of Inspection. The owner or user shall prepare each boiler or pressure vessel for internal inspection and shall prepare for and apply a hydrostatic test whenever necessary, on the date specified by an inspector, which date shall be not less than 7 days after the date of notification.
- o) Owner to Notify Chief Inspector in Case of Accident. Any owner or user, which includes any person, firm, partnership, corporation, or governmental entity, that knowingly fails to notify the Chief Inspector within 24 hours, or on the next

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business day, of an accident, explosion, event, or incident that serves to render a boiler or pressure vessel inoperative because of damage or failure or that involves any bodily injury or death to any person is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable by a fine of not less than \$501 and not more than \$10,000, if a corporation or governmental entity.

- p) Penalties. Any person, firm, partnership or corporation violating any of the provisions of this Part shall be subject to the penalties provided in the Boiler and Pressure Vessel Safety Act.
- q) Registration of Boilers and Pressure Vessels. All owners or users of boilers and pressure vessels subject to the Act now in use or installed ready for use in the State of Illinois shall notify the Chief Inspector in writing giving the location, type, capacity, age and date of installation.
- r) Removal of Safety Appliances.
 - 1) No person, except under the direction of an inspector, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. Should any of these appliances be repaired during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.
 - 2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the Inspection Certificate.
- s) Stamping of Boilers and Pressure Vessels. Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. The number will be assigned by the Chief Inspector and applied to the boiler or pressure vessel by the inspector at the time of inspection. Also, the Code required stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the inspector.
- t) Submission of Inspection Reports. Inspection Reports to be submitted by Special Inspectors:
 - 1) Inspection Reports shall be submitted within 30 days from the date of inspection.

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- 2) All Inspection Reports shall be completed with all pertinent information as required including location and actual conditions observed.
- 3) Validity of Inspection Certificate. No Inspection Certificate issued for a boiler or pressure vessel inspected by a Special Inspector shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a duly authorized insurance company. The Chief Inspector may at any time suspend an Inspection Certificate when the boiler or pressure vessel for which it was issued may not continue to be operated without menace to public safety, or when the boiler or pressure vessel is found not to comply with this Part. A Special Inspector shall have authority to request suspension of an Inspection Certificate for boilers or pressure vessels insured by the employing company. Such suspension of an Inspection Certificate shall continue in effect until such boiler or pressure vessel shall have been made to conform to this Part.

(Source: Amended at 28 Ill. Reg. 13509, effective September 24, 2004)

Section 120.30 Inspectors, Examinations, Certificate of Competency and Commission.

- a) Examinations.
 - 1) Examinations for Certificate of Competency and Commission as an Inspector of Boilers and Pressure Vessels shall be held the first Wednesday of the months of March, June, September and December. Special examinations will be held when considered necessary by the Board.
 - 2) Applicants for examination for a Special Inspector shall have 3 years experience in the construction, maintenance, repair or operation of high pressure boilers and pressure vessels. A credit of 2 years of the required experience will be given to applicants holding a Mechanical Engineering degree from a college of engineering and one year's credit will be given for all other types of engineering degrees.
 - 3) Application for examination for Certificate of Competency and Commission shall be written upon a form to be furnished by the Office of the State Fire Marshal stating the educational background of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsification or untruthful

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statements shall be rejected. If the applicant's education and experience meet the requirements of the Board, the applicant shall be given the written examination dealing with the construction, installation, operation, maintenance and repair of boilers, pressure vessels and their appurtenances. If the applicant is successful in meeting the requirements of the Board, a Certificate of Competency and Commission will be issued by the Office of the State Fire Marshal. An applicant who fails to pass the examination will be permitted to take another written examination.

b) ~~Special Inspector Trainee.~~

- 1) ~~Applicants for Special Inspector Trainee authorization, which will permit on-the-job training, must possess one of the following education and experience qualifications:~~
 - A) ~~A Bachelor's Degree in Engineering from an accredited college or university (deemed to be the equivalent of two years experience in design, construction, in charge of operation or inspection of high pressure boilers and pressure vessels); or~~
 - B) ~~An Associate Degree in Mechanical Technology plus one year of actual experience in design, construction, in charge of operation or inspection of high pressure boilers and pressure vessels; or~~
 - C) ~~A high school diploma or General Equivalency Degree plus two years of practical experience in the construction, installation, repair, operation, maintenance or inspection of high pressure boilers and pressure vessels.~~
- 2) ~~Such applicants must have taken and received a passing grade (70%) upon that examination administered by the Board to applicants for National Board Commissions commencing the first Wednesday of March, June, September and December of each year.~~
- 3) ~~The Office of the State Fire Marshal shall issue an authorization as a Special Inspector Trainee upon the applicant meeting the criteria above.~~
- 4) ~~The Special Inspector Trainee authorization issued by the Office of the State Fire Marshal shall be valid for a period not to exceed fifteen months, shall be nonrenewable, and may be utilized by the holder only while in the~~

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~~continuous employ of the Authorized Inspection Agency by whom the Inspector Trainee is employed at the time of application and then only when all field inspection work so performed is performed while accompanied by an inspector for such Authorized Inspection Agency employer during the first ninety (90) days of such work and while remaining under the supervision of such an employer's inspector for the following year. Further, if the Authorized Inspection Agency is an insurance company, the Special Inspector Trainee may perform field inspection work only upon objects currently covered by insurance issued thereby.~~

- 5) ~~Upon completion of one year of experience as a Special Inspector Trainee while in the continuous employ of an Authorized Inspection Agency, the holder of a valid authorization, through such employer(s), may apply to the Office of the State Fire Marshal for the Certificate of Competency.~~

be) Commissions.

- 1) A Commission as an Inspector and an identifying commission card shall be issued by the State Fire Marshal as provided in the Act.
- 2) Commissions issued to inspectors in the employ of insurance companies or of self-insurers shall be held at the office of the employing company. The Commission and the identifying commission card shall be returned to the Chief Inspector when suspended or revoked or the inspector to whom the Commission was issued is no longer employed by the insurance company or self insurer.
- 3) A Commission issued to an Inspector may be suspended or revoked by the State Fire Marshal as provided in the Act.
- 4) Reciprocal Commissions. A Reciprocal Commission as an Inspector may be issued by the State Fire Marshal as provided in the Act.

(Source: Amended at 28 Ill. Reg. 13509, effective September 24, 2004)

ILLINOIS BUILDING COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 3200
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3200.100	Repealed
3200.110	Repealed
3200.120	Repealed
3200.130	Repealed
3200.140	Repealed
3200.150	Repealed
3200.200	Repealed
3200.210	Repealed
3200.220	Repealed
3200.230	Repealed
3200.240	Repealed
3200.250	Repealed
3200.260	Repealed
3200.270	Repealed
3200.280	Repealed
3200.290	Repealed
3200.300	Repealed
APPENDIX A	Repealed
- 4) Statutory Authority: Executive Order 2004-5 issued April 1, 2004 reflecting the Illinois Building Commission Act 20 ILCS 3918
- 5) Effective date of rulemaking: September 23, 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 repealer, 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: N/A, because this is considered an "internal" rulemaking.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

ILLINOIS BUILDING COMMISSION

NOTICE OF ADOPTED REPEALER

- 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: In response to Executive Order 2004-5, effective July 1, 2004, the Illinois Building Commission was merged with the Capital Development Board. These rules are being repealed to reflect the consolidation. CDB will consider future rulemakings when applicable.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Jerry B. Crabtree
Capital Development Board
Division of Building Codes and Regulations
300 Stratton Office Building
Springfield, Illinois 62706
217/557-7500
jcrabtre@cdb.state.il.us

ILLINOIS BUILDING COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 3201
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
3201.100	Repealed
3201.110	Repealed
3201.120	Repealed
3201.130	Repealed
3201.140	Repealed
3201.150	Repealed
3201.200	Repealed
3201.210	Repealed
3201.220	Repealed
3201.230	Repealed
3201.240	Repealed
3201.250	Repealed
3201.260	Repealed
3201.270	Repealed
3201.280	Repealed
3201.290	Repealed
3201.300	Repealed
APPENDIX A	Repealed
- 4) Statutory Authority: Executive Order 2004-5 issued April 1, 2004 reflecting the Illinois Building Commission Act 20 ILCS 3918
- 5) Effective date of rulemaking: September 23, 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 repealer, 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: N/A, because this is considered an "internal" rulemaking.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

ILLINOIS BUILDING COMMISSION

NOTICE OF ADOPTED REPEALER

- 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: In response to Executive Order 2004-5, effective July 1, 2004, the Illinois Building Commission was merged with the Capital Development Board. These rules are being repealed to reflect the consolidation. CDB will consider future rulemakings when applicable.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Jerry B. Crabtree
Capital Development Board
Division of Building Codes and Regulations
300 Stratton Office Building
Springfield, Illinois 62706
217/557-7500
jcrabtre@cdb.state.il.us

ILLINOIS BUILDING COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 3202
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3202.100	Repealed
3202.110	Repealed
3202.120	Repealed
3202.130	Repealed
3202.140	Repealed
3202.150	Repealed
3202.200	Repealed
3202.210	Repealed
3202.220	Repealed
3202.230	Repealed
3202.240	Repealed
3202.250	Repealed
3202.260	Repealed
3202.270	Repealed
3202.280	Repealed
3202.290	Repealed
3202.300	Repealed
APPENDIX A	Repealed
- 4) Statutory Authority: Executive Order 2004-5 issued April 1, 2004 reflecting the Illinois Building Commission Act 20 ILCS 3918
- 5) Effective date of rulemaking: September 23, 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 repealer, 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: N/A, because this is considered an "internal" rulemaking.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

ILLINOIS BUILDING COMMISSION

NOTICE OF ADOPTED REPEALER

- 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: In response to Executive Order 2004-5, effective July 1, 2004, the Illinois Building Commission was merged with the Capital Development Board. These rules are being repealed to reflect the consolidation. CDB will consider future rulemakings when applicable.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Jerry B. Crabtree
Capital Development Board
Division of Building Codes and Regulations
300 Stratton Office Building
Springfield, Illinois 62706
217/557-7500
jcrabtre@cdb.state.il.us

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Police Training Act
- 2) Code Citation: 20 Ill. Adm. Code 1720
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1720.10	Amended
1720.15	Amended
1720.20	Amended
1720.25	Amended
1720.30	Amended
1720.35	Amended
1720.40	Amended
1720.50	Amended
1720.60	Amended
1720.70	Amended
1720.100	New Section
1720.110	New Section
1720.120	New Section
1720.130	New Section
1720.140	New Section
1720.150	New Section
1720.APPENDIX B	New Section
- 4) Statutory Authority: Implementing and authorized by Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1]
- 5) Effective date of rulemaking: September 23, 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 amendments, including all material incorporated by reference, is on file in the agency's principal office located at 600 South Second Street, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: April 23, 2004; 28 Ill. Reg. 6479
- 10) Has JCAR issued a Statement of Objection to these amendments? No

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

11) Differences between proposal and final version:

In Section 1720.110, added the following definitions:

“Board’ means the Illinois Law Enforcement Training and Standards Board as established pursuant to Section 3 of the Act.

”ILRB” means the Illinois Labor Relations Board as established pursuant to Section 5 of the Illinois Public Labor Relations Act [5 ILCS 315/5].

“Task force” means the task force of police officer investigators appointed pursuant to Section 6.1(i) of the Act.

”Task force investigator” means a sworn police officer with at least five years of criminal investigation experience appointed by the Director of the Board to the task force pursuant to Section 6.1(i) of the Act.”.

In subsection (c) of Section 1720.120, deleted “the disposition” and insert in lieu thereof “a judgment of acquittal”.

In subsection (e) of Section 1720.120, inserted the following after the period at the end of the first sentence: “The decision of the Director shall be based upon a determination that there is sufficient evidence to warrant an investigation of the complaint that a police officer, while under oath, has knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.”.

In Section 1720.APPENDIX B, inserted the word **“VERIFIED”** before the word **“COMPLAINT”** in the “Note” paragraph.

In Section 1720.APPENDIX B, inserted the word **“ACQUITTED”** after the word **“DEFENDANT”** in the “Note” paragraph.

In Section 1720.APPENDIX B, inserted the phrase **“RESULTING IN AN ACQUITTAL”** after the word **“PROSECUTION”** in the “Note” paragraph.

In Section 1720.APPENDIX B, deleted all of item “7.” and inserting in lieu thereof the following:

“7. A verified complaint, to be valid, must be filed within 2 years after a judgment of acquittal of the underlying murder prosecution. Please list the date of acquittal on a charge of murder:_____”.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

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In Section 1720.APPENDIX B, deleted all of item “11.” and inserted in lieu thereof the following:

“11. The alleged perjury was committed:

 while testifying under oath in a court of law

 during an oral deposition

 in a written statement.

- 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? Yes, but the emergency rules expired September 8, 2004.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking implements the provisions of Public Act 93-655, effective January 20, 2004, which requires the Illinois Law Enforcement Training and Standards Board to implement procedural requirements for the filing of a verified complaint alleging that a police officer, while under oath, has knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Dr. Thomas Jurkanin
Executive Director
Illinois Law Enforcement Training and Standards Board
600 South Second Street, Ste. 300
Springfield, Illinois 62704-2542
217/782-4540

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

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: [ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD](#)
~~ILLINOIS LOCAL GOVERNMENTAL LAW~~
~~ENFORCEMENT OFFICERS TRAINING BOARD~~

PART 1720
ILLINOIS POLICE TRAINING ACT

[SUBPART A: CERTIFICATION OF POLICE OFFICERS](#)

Section	
1720.10	Course Requirements
1720.15	Equivalency Examination
1720.20	Minimum Requirements of the Trainee
1720.25	Procedures for Administration of Law Enforcement and Correctional Officers Certification Examination
1720.30	School Standards and Requirements
1720.35	Academy Entrance Qualifications
1720.40	Qualification of Police Instructors
1720.50	Reimbursements
1720.60	Requirements of Participating Local Agencies
1720.70	Minimum Training Requirements for Illinois Sheriffs

[SUBPART B: DECERTIFICATION OF POLICE OFFICERS](#)

Section	
1720.100	Purpose
1720.110	Definitions
1720.120	Submission and Review of a Complaint
1720.130	Certification Revocation
1720.140	Reporting
1720.150	Law Enforcement Training and Standards Board Costs and Attorney Fees Fund

1720.APPENDIX A Physical Fitness Standards

[1720.APPENDIX B Complaint Form](#)

AUTHORITY: Implementing and authorized by Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1] (see Public Act 93-655, effective January 20, 2004, and Public Act 93-605, effective November 19, 2003).

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Filed and effective July 26, 1966; codified at 7 Ill. Reg. 11232; amended at 8 Ill. Reg. 12259, effective July 1, 1984; amended at 11 Ill. Reg. 16692, effective October 6, 1987; amended at 12 Ill. Reg. 3728, effective February 2, 1988; amended at 13 Ill. Reg. 19957, effective December 11, 1989; amended at 14 Ill. Reg. 14800, effective September 4, 1990; amended at 15 Ill. Reg. 999, effective January 14, 1991; amended at 16 Ill. Reg. 4002, effective February 28, 1992; emergency amendment at 16 Ill. Reg. 727, effective January 1, 1992; amended at 16 Ill. Reg. 18811, effective November 19, 1992; emergency amendment at 28 Ill. Reg. 6479, effective April 12, 2004, for a maximum of 150 days; emergency expired September 8, 2004; amended at 28 Ill. Reg. 13537, effective September 23, 2004.

SUBPART A: CERTIFICATION OF POLICE OFFICERS**Section 1720.10 Course Requirements**

- a) Minimum Hours
 - 1) The Board, from time to time, shall set the minimum number of hours in prescribed subjects of the Minimum Standards Basic Law Enforcement Officers Training Course. An hour of instruction is defined as being ~~fifty~~ ~~(50)~~ minutes of actual instruction plus a ~~ten~~ ~~(10)~~ minute recess period.
 - 2) The Board strongly recommends that the minimum number of hours set by the Board be exceeded whenever possible.
- b) The Minimum Standards Basic Law Enforcement Officers Training Course shall consist of concentrated study which is continuous and full time.
- c) The Basic Course shall cover the prescribed subjects with the instructional time as specified in the approved curriculum and instructor's guides.
- d) Training in advanced and specialized areas of police work must follow curricula approved by the Board to be reimbursable.
- e) In-service refresher type training on a departmental or regional level should be designed to meet particular problems of that locale. Therefore, each proposed course of this type shall be considered for reimbursement on an individual basis by the Board.
- f) As a general rule, the Board will not certify any course of training ~~thatwhich~~ is not at least ~~thirty~~ ~~(30)~~ hours in length, with training to cover no less than ~~six~~ ~~(6)~~

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

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hours each day on consecutive days.

(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.15 Equivalency Examination

- a) The Executive Director may grant a waiver of basic training requirements set forth by the Board if, by reason of extensive prior experience as a law enforcement officer or prior experience as a county corrections officer, the basic training requirement is illogical or unreasonable. The Executive Director may require the applicant to take and successfully pass the Board's Equivalency Examination if the Executive Director, in reviewing prior experience and training, determines that there is a need for the applicant to demonstrate current knowledge of Illinois law and procedures. Factors ~~which~~ the Executive Director shall consider in determining the need for the Equivalency Exam shall include, but not be limited to, the type and length of prior experience as a law enforcement or county corrections officer, prior certificates for training, and education.
- b) The Board shall establish a minimum passing score. In establishing a minimum score, the Board will ensure that the score reflects the knowledge and competency of the applicant. The minimum passing score will be established by the Board within the range of 60 to 80%~~percent~~ of the total score.
- c) The content of the test shall include, but not be limited to, material in the areas specified in Section 7(b) of the [Illinois Police Training Act \(Act\)](#); and subjects covered in the [Peace Officer Firearm~~Firearms~~ Training for Peace Officers Act \[50 ILCS 710\]\(Ill. Rev. Stat. 1990 Supp., ch. 85, par. 515, et seq.\)](#).
- d) The Board shall at least biennially review the content of the examination and minimum passing score to ensure accuracy and reliability.

(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.20 Minimum Requirements of the Trainee

- a) Regular attendance at all sessions is required. However, excused absences may be granted by the ~~Academy~~~~designated~~ Director under certain limited circumstances beyond the trainee's control, which may include, but not be limited to, a death in the family, illness, response to a court subpoena, disability, or a transportation breakdown. In order to successfully complete the course, absences

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must not exceed ten percent of the total hours of instruction for any Board certified course of instruction.

- b) ~~Trainees shall maintain~~~~Maintenance of~~ an adequate classroom notebook. Factors to be considered in rating the notebook are neatness, legibility, accuracy and sufficiency of content. "Adequate", for purposes of this subsection, refers to:
- 1) Neatness. Requires concise organization of the notes. All notes and handouts will be placed in the book or received during the course. ~~Dividers into topics are required.~~~~;~~ ~~and~~
 - 2) Legibility. Put down notes in brief, clear complete sentences. Underline the important items. Lined notebooks or typing paper for typing should be used.~~;~~ ~~and~~
 - 3) Accuracy. The notes taken in class must precisely reflect the content of the class.~~;~~ ~~and~~
 - 4) Sufficiency of content. ~~Notes~~~~Putting notes down in the trainee's notebook~~ should be in the trainee's own words. The trainee should strive to achieve condensation of the material clearly and concisely.
- c) ~~Trainees shall qualify~~~~Qualifications~~ in the use of firearms as required by ~~the Peace Officer Firearm Training Act [50 ILCS 710]"AN ACT in relation to Firearm Training for Peace Officers" (Ill. Rev. Stat. 1989, ch. 85, par. 515, et seq.)~~.
- d) An overall average of ~~70%~~~~percent~~ must be achieved on all written examinations given during any course of training. Separate evaluation of any skill-oriented performance requirements shall be made by the ~~Academy~~~~designated~~ Director on a satisfactory/unsatisfactory basis.
- e) The ~~Academy~~~~designated~~ Director shall establish standards of conduct for the recruit while enrolled at the academy. These shall include demeanor, deportment and compliance with the discipline and regulations of the school or course. Receipt of certification of the successful completion of the course from the academy shall be deemed proof that the trainee has complied with the requirements of this subsection.
- f) *Each trainee who has not been awarded a certificate attesting to his successful*

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completion of the Minimum Standards Basic Law Enforcement Training Course as prescribed by the Board within ~~six (6)~~ months ~~after~~ of his initial full-time employment; must forfeit his position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waivers shall be issued only for good and justifiable reasons, and in no case shall extend more than ~~ninety (90)~~ days beyond the initial ~~six (6)~~ months. [\[50 ILCS 705/8.1\(a\)\]](#) Good and justifiable reasons for a waiver include, but are not limited to, unavailability of academy space for training, illness or disability, and the need for the trainee to serve his or her department during the initial ~~6~~ six month period.

- g) Each trainee ~~shall~~will bring such equipment as required by the Course Director.
- h) A trainee shall pass the State comprehensive examination to qualify as a permanent law enforcement or permanent correctional officer, except as is otherwise provided for in the Illinois Police Training Act.
- 1) The test shall be in writing. It shall be administered by the staff of the Board, or such other testing company or association expressly authorized by the Board; ~~and~~
 - 2) The Board shall establish a minimum passing score. In establishing the minimum passing score, the Board will ensure that the score reflects the knowledge and competency of the trainee for law enforcement or correctional work. The minimum passing score will be established by the Board within the range of 60 to 80%~~percent~~ of the total score. At the beginning of each training course the minimum passing score will be announced; ~~and~~
 - 3) The content of the test for law enforcement officers may include, but not be limited to, material in the areas specified in Section 7(b) of the Act; and subjects covered in [the Peace Officer Firearm Training Act \[50 ILCS 710\]](#). ~~"AN ACT in relation to Firearms Training for Peace Officers (Ill. Rev. Stat. 1989, ch. 85, par. 515 et seq.); and~~
 - 4) The content of the test for correctional officers may include, but not be limited to, material in the areas specified in 20 Ill. Adm. Code 1750.202; and subjects covered in [the Peace Officer Firearm Training Act.](#) ~~"AN ACT in relation to Firearms Training for Peace Officers" (Ill. Rev. Stat. 1989, ch. 85, par. 515 et seq.); and~~

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- 5) The Board shall at least biennially review the content of the exam and minimum passing score to ensure they are current and reliable.

(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.25 Procedures for Administration of Law Enforcement and Correctional Officers Certification Examination

- a) The Comprehensive Examination will be administered to all trainee law enforcement and correctional officers who successfully complete the Trainee Basic Law Enforcement or Correctional Officers Training Course at a State-certified academy.
- b) Trainees who successfully pass the Comprehensive Examination shall be eligible to receive certification attesting to their successful completion of the Minimum Standard Basic Law Enforcement or Correctional Training Requirements.
- c) Examination scores will be reported in writing to the Chief Administrator of the Trainee's employing agency within 14 days ~~after~~ the examination date.
- d) Law Enforcement or Correctional Trainees are required to successfully complete the Comprehensive Examination on one occasion only. There are no requirements for re-qualification.
- e) Only trainees who have been certified by the Academy Director as having ~~met all the requirements of having~~ successfully completed the Trainee Basic Training Law Enforcement or Correctional Officers Course with an average minimum score of 70% are eligible to take the Comprehensive Examination.
- f) Each trainee must be a full-time law enforcement or correctional officer and be employed by a local law enforcement agency.
- g) In the event the trainee fails to successfully complete the Comprehensive Examination on the initial administration, he or she will be allowed to re-take the Comprehensive Examination a maximum of ~~2~~ two times.
- h) In order to be eligible to re-take the Comprehensive Examination, a written request must be submitted by the Chief Administrator of the Officer's employing agency. Upon receipt of the written request, the Board shall administer the re-take examination, except as may otherwise be provided in subsection (o).

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- i) Law enforcement or correctional officers who initially fail to successfully complete the Comprehensive Examination will be administered an alternate version of the Comprehensive Examination on any successive ~~re-takes~~ [re-take\(s\)](#).
- j) The Board will establish and publish the locations with the dates and times for the administration of re-take examinations. Such exams will be given at least twice every ~~6~~ [six](#) months.
- k) In the event that a law enforcement or correctional officer fails to successfully complete the Comprehensive Examination and is discharged as an employee by a law enforcement agency, he or she is nevertheless eligible to re-take the Comprehensive Examination if employed by another local law enforcement agency. He or she will be viewed as a new trainee by the Board and would be granted all rights that are provided to new trainees as specified [in this Part herein](#).
- l) The Comprehensive Examination will be administered on site at the academies on the last Thursday on the last week of the basic course.
- m) The trainee will have 3.5 hours to complete the Comprehensive Examination. A trainee will be excused from completing the examination if he/she is ill and excused by the proctor.
- n) Individuals allowed within the testing area will be limited to Board-approved examination proctors, and those who are taking the examination.
- o) Any trainee who is uncooperative, disruptive or is thought to be cheating during the administration of the Comprehensive Examination will be ordered by the proctor to turn in his or her examination and to leave the examination area. A complete written report of the incident will then be submitted to the Executive Director of the Board and to the Chief Administrator of the officer's employing agency. The offending trainee shall have the opportunity within ~~7~~ [seven](#) days to submit a written report to the Executive Director describing the trainee's version of the event. In such cases it will be left to the discretion of the Executive Director to determine whether the officer has forfeited the examination and whether the trainee is eligible to re-take the Comprehensive Examination. The Executive Director's determination will be based on the nature of the officer's misbehavior and on the supporting evidence of such misbehavior.

(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

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Section 1720.30 School Standards and Requirements

- a) Each local school or course certified by the Board shall operate, for the duration of the school or course, under a full-time Director approved by the Executive Director of the Board.
- b) The ~~Academy designated~~ Director shall assume the responsibility of the overall supervision of the school, including the preparation and grading of examinations, rating of classroom notebooks, arranging for qualified instructors, providing for food and lodging for the trainees where appropriate, arranging for adequate training facilities such as classrooms, props, gymnasium and safe firearms ranges, and the conduct and discipline of the trainees.
- c) The ~~Academy designated~~ Director shall maintain complete records on each trainee and, at the conclusion of the course, submit ~~those~~~~such~~ records to the Executive Director of the Board for filing in such form as he may require. A copy of the performance record of each trainee shall also be furnished the employing agency, including demeanor and deportment of the trainee.
- d) The ~~Academy designated~~ Director shall make ~~a~~ final determination as to whether a trainee has satisfactorily passed all reasonable standards and requirements of a particular course of training. He shall also have the authority to dismiss from the school any trainee prior to the completion of the course, if, in the opinion of the ~~Academy designated~~ Director, the trainee is unable or unwilling to satisfactorily complete the prescribed course of training. Immediately upon ~~such~~ dismissal action, the ~~Academy designated~~ Director shall submit a written report to the Executive Director and the appointing authority.
- e) The ~~Academy designated~~ Director shall also have the responsibility of fixing reasonable fees to be charged for any training course, including tuition and room and board where applicable. The local governmental agency employing the trainee shall pay ~~the~~~~such~~ fees directly to the training school or sponsoring agency.
- f) Approval of Training Course
 - 1) A formal letter of application for certification of a training course under the Illinois Police Training Act must be submitted to the Executive Director by the sponsoring agency and/or the course Director. Such application must include course objectives, curriculum outline, a brief

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description of what is taught under each topic, the complete schedule of the school (hour by hour and day by day and lesson plans) and the names and qualifications of the instructors to be used. It should also list the specific location of the physical facilities to be used, including firearms ranges and detailed justification regarding fees to be charged, as set forth in [subsection paragraph \(e\) above](#). Applications shall be submitted at least ~~forty five (45)~~ days prior to the next regularly scheduled meeting of the Board.

- 2) After the complete program of the proposed course is evaluated, the applicant will be notified by the Executive Director as to whether the course is approved or disapproved.
- g) The [Academy designated](#) Director shall have the responsibility of administering the Board's Physical Fitness Training Standards to all trainees before they commence the Minimum Basic Standard Law Enforcement Training Course. A trainee must successfully meet the Board's Physical Fitness Training Standards as described in [subsection Section 1720.30\(h\)](#).
- h) Every trainee shall be required to perform and successfully complete all of the Board's physical fitness tests in the sequence delineated in this Section. The tests shall be as follows:
 - 1) Every trainee shall meet the Board's sit and reach standard as defined in Appendix A.
 - 2) Every trainee shall meet the Board's one ~~(1)~~ minute sit-up standard as defined in Appendix A.
 - 3) Every trainee shall meet the Board's benchpress standard as defined in Appendix A.
 - 4) Every trainee shall meet the Board's 1.5 mile run standard as defined in Appendix A.
- i) If a trainee fails any standard [listed in subsection \(h\) in Section 1720.30\(h\)](#), the [Academy designated](#) Director is authorized to administer the minimal physical fitness sequence to the trainee on one more occasion. A trainee only needs to retake the standards of the sequence he or she failed. The retake of a sequence must not be administered before 48 hours have elapsed following the conclusion

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of the trainee's first physical fitness test, nor later than 72 hours after the conclusion of the first test.

(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.35 Academy Entrance Qualifications

- a) A person shall not be eligible to enter a Board-certified academy for basic training if that person has been convicted of a felony or any other crime involving moral turpitude, and unless he or she is a person of good character.
- b) Moral turpitude includes, but is not limited to, actions ~~that which~~ contravene the need to protect the public, fail to meet the integrity of the profession, or do not preserve the administration of justice from reproach.
- c) An applicant's employer agency shall submit to the academy an authorization to obtain and release information, and a written certification ~~to the academy on or~~ within ~~30~~thirty days prior to the first day of basic training. The written certification shall attest that the applicant's background has been checked and verified, and that the applicant meets the requirements set forth in subsection (a) ~~above~~ and Section 6 of the Illinois Police Training Act (~~Ill. Rev. Stat. 1991, ch. 85, par. 506~~).
- d) The written certification shall contain the following information:
 - 1) Name and address of employer agency;
 - 2) Name and address of applicant;
 - 3) Verification that the criminal history of the applicant has been examined and contains no violation as specified in this ~~Part~~rule;
 - 4) Verification that the personal history of the applicant has been examined and that the applicant is of good character; and
 - 5) Dated signatures of the agency head on the application with an attestation from the applicant that the information is true and correct.
- e) The Board-certified Academy Director~~academy director~~ shall have the first ~~2~~two weeks of training to review the qualifications of the applicant to enter the

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academy. An applicant's participation in the academy is conditional upon this review.

- f) In the event that the Board-certified ~~Academy Director~~academy director determines that an applicant does not meet the standards set forth by law, the applicant's employer agency shall be notified in writing that the applicant is not eligible to enter the academy, and the applicant shall be sent home. Reasons for the denial shall be in writing.
- g) Any employer agency who wishes to appeal the decision of a director denying admission into a Board-certified academy shall, within ~~10~~ten days, submit a written request for review to the Executive Director of the Board.
- h) The Executive Director of the Board shall have ~~30~~thirty days to undertake a review of the ~~Academy Director's~~academy director's decision. The Executive Director shall have the powers of investigation. Failure to cooperate in the investigation on the part of the applicant or employer agency may result in disqualification.
- i) The Executive Director shall decide within ~~thirty~~(30) days whether to confirm or overrule the ~~Academy Director's~~academy director's decision.
- j) In the event the Executive Director confirms the decision, the applicant's employer agency may, in writing, file an appeal, within ~~ten~~(10) days ~~after~~of the Executive Director's decision. The Board's Executive Committee shall review the record at the next regularly scheduled quarterly Executive Committee meeting to confirm or overrule the Executive Director. The Executive Committee shall make its recommendation to the Board at the Board's next regularly scheduled meeting.
- k) If an appeal is filed, an applicant shall be entitled to the ~~ninety~~(90) day extension in Section 8.1 of the Act to complete basic training.

(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.40 Qualification of Police Instructors

- a) The instructor shall have a sufficient educational background and/or experience necessary to meet the instructional demands that will be made of him or her.
- b) The instructor shall be an individual~~a man~~ of personal integrity and have a sincere

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interest and desire to impart ~~his~~ knowledge and experience to the ~~persons~~men under instruction.

- c) The Executive Director shall decide whether a particular instructor meets the qualifications set forth ~~in the Section above~~. This decision shall be based on investigation of the credentials of the particular instructor.

(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.50 Reimbursements

- a) The Board will, within certain limitations, reimburse the local governmental agency for one half the cost of training the officer as follows:
- 1) The trainee's salary during the training period.
 - 2) The cost of lodging and meals incurred when the trainee is required to be away from his residence overnight, subject to the same limitations applicable to employees of the State of Illinois (~~see 80 Ill. Adm. Code 2800.Appendix A and 3000.400(b)~~). If the trainee returns to his residence each night, no lodging or food expense, except for lunch, will be allowed.
 - 3) The cost of necessary travel expense incurred. Where travel is by car, the standard State mileage rate (~~see 80 Ill. Adm. Code 3000.300(f)(2)~~) will be allowed, but travel must be outside the city where the school is located.
 - 4) The cost of school tuition and fees.
- b) In no case will reimbursement for any particular course exceed the maximum amount set by statute. Reimbursement of salary will not be considered if a trainee is required to work during ~~any part of~~ a training course ~~or for any part thereof~~.
- c) Reimbursement to Employer
- 1) Reimbursement will be made by the Board to those local home rule governmental units who have demonstrated their desire to participate in the program by passing the necessary resolution or ordinance and filing a copy of ~~that~~such resolution or ordinance with the Board; and who have complied with other provisions of ~~the~~this Act.

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- 2) Reimbursement will also be made by the Board to those local non-home-rule governmental units who employ at least one full-time law enforcement officer as defined in ~~the~~this Act and who have complied with other provisions of ~~the~~said Act.
- d) Reimbursement will be made by the Board only once for a particular training course in which the same officer may be enrolled the second time, unless unusual circumstances exist.
- e) As a general rule, reimbursement will not be made by the Board for any type of non-basic training unless the trainee has been awarded a certificate attesting to his successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course prior to such training or has been granted a waiver of the Basic Course requirement.

(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.60 Requirements of Participating Local Agencies

Each participating local governmental agency shall:

- a) Specifically inform each full-time officer appointed after January 1, 1976, that, as a condition of permanent employment, ~~the officer~~he must successfully complete the prescribed ~~Basic Course~~basic course of training within the first ~~6~~six months ~~after~~of employment.
- b) Fully cooperate with the Training Board by furnishing ~~sueh~~sueh reports and information ~~as~~as the Board deems necessary to fully implement all provisions of the ~~Training~~Training Act.
- c) Not appoint any person as a permanent full-time law enforcement officer who has not been awarded a certificate by the Training Board attesting to ~~his~~his successful completion of the required basic training course within ~~the~~his first ~~6~~six months of employment. A waiver of this training requirement may be obtained under certain conditions. ~~(Refer to (Section 1720.20(f)1720.60(g)).)~~
- d) Terminate the employment of any officer who fails to successfully complete the prescribed ~~Basic Course~~basic course within the first ~~6~~six months of ~~his~~his employment, unless a waiver of the basic course requirement has been granted the employing agency upon proper application to the Executive Director of the Board.

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(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.70 Minimum Training Requirements for Illinois Sheriffs

- a) Illinois Sheriffs shall successfully complete ~~20~~twenty hours of training at a Board certified training academy or a Mobile Team Training Unit organized pursuant to the Intergovernmental Law Enforcement Officer's In-Service Training Act [50 ILCS 720], ~~(Ill. Rev. Stat. 1987, ch. 85, par. 561, et seq.)~~
- b) Notwithstanding subsection (a), Illinois Sheriffs may complete up to ~~20~~twenty hours of approved training by successfully completing training programs approved by the Executive Director of the Board. In order to obtain approval of a training program, the entity seeking approval shall submit the proposed training program to the Executive Director ~~30 to 90~~no less than thirty and no more than ninety days prior to the administration of the training program. ~~The~~the Executive Director shall approve or deny the proposed training program within 14 days following receipt of the proposal.
- c) Proposed training programs submitted for approval shall contain an outline of the proposed training program, the dates when ~~the~~said proposed program will be offered, a listing of all instructors offering ~~the~~said proposed program, and the location of ~~the~~said proposed program.
- d) In approving training programs, the Board will determine if the training relates to job tasks performed by Illinois Sheriffs within their own department or relates to the duties and responsibilities of Sheriffs in supervising law enforcement or correctional tasks within their own department. Approved training programs may include, but are not limited to, the local operation of correctional facilities, supervision of deputies or county correctional officers, operation of the Sheriff's department and methods of management regarding operational and administrative departmental quality control for county correctional or local Sheriff's departments.
- e) If the Executive Director denies or requests additional information, the program is not approved. The Executive Director will verify in writing to the entity seeking approval when a training program is approved.
- f) The Illinois Local Governmental Law Enforcement Officers Training Board shall maintain a record for each Sheriff in Illinois to determine the amount of hours of

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approved training each Sheriff receives during each calendar year.

- g) Upon the completion of ~~20~~~~twenty~~ hours of training approved by the Board, the Executive Director of the Board shall issue a certificate to the Sheriff attesting to the completion of training.
- h) Upon completion of any Board approved training program, each Sheriff is responsible for submitting proof of completion of training to the Board's office in Springfield, Illinois.
- i) Sheriffs who do not complete ~~20~~~~twenty~~ hours of approved training prior to December 31 of any calendar year for the preceding calendar year will be issued a letter notifying them of non-compliance with the Board's training requirements.

(Source: Amended at 28 Ill. Reg. 13537, effective September 23, 2004)

SUBPART B: DECERTIFICATION OF POLICE OFFICERSSection 1720.100 Purpose

The purpose of this Part is to establish procedural requirements for the filing of a verified complaint, by a defendant in a murder prosecution or by a police officer who has personal knowledge alleging that a police officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.

(Source: Added at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.110 Definitions

The definitions of terms used in this Part are the same as those found in the Illinois Police Training Act [50 ILCS 705]. Additionally, the following terms are defined for purposes of this Part:

"Act" means the Illinois Police Training Act [50 ILCS 705].

"Board" means the Illinois Law Enforcement Training and Standards Board as established pursuant to Section 3 of the Act.

"Director" means the Executive Director of the Illinois Law Enforcement Training and Standards Board.

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"Complaint" means a verified document filed by a defendant or by a police officer with personal knowledge of perjured testimony in a murder prosecution.

"Complainant" means an interested party who files a verified complaint. A complainant shall be limited to only a defendant in a murder prosecution or a police officer who has personal knowledge of perjured testimony in a murder prosecution.

"Employing agency" means any local or State law enforcement agency or department within this State.

"ILRB" means the Illinois Labor Relations Board as established pursuant to Section 5 of the Illinois Public Labor Relations Act [5 ILCS 315/5].

"Task force" means the group of police officer investigators appointed pursuant to Section 6.1(i) of the Act.

"Task force investigator" means a sworn police officer with at least 5 years of criminal investigation experience appointed by the Director of the Board to the task force pursuant to Section 6.1(i) of the Act.

(Source: Added at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.120 Submission and Review of a Complaint

- a) A complaint shall be in the format outlined in Appendix B. A complaint shall include identifying information about the complainant, the filing status of the complainant (i.e., defendant, police officer), information identifying the affected prosecution, the name of the police officer alleged to have committed perjury, a description of the alleged perjury, identifying information on other persons having knowledge of the perjury, and a certification by the complainant.
- b) The complaint must be signed. An original complaint and 3 copies shall be filed at the following address:

Executive Director
Illinois Law Enforcement Training and Standards Board
600 South Second Street
Suite 300

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Springfield, Illinois 62704-2542

- c) To be valid, a verified complaint must be filed within 2 years after a judgment of acquittal of the underlying murder prosecution.
- d) Within 5 working days after receipt of a verified complaint, the Director shall review the filing for completeness. If the verified complaint does not meet all of the elements required for completeness as required by this Section and Appendix B, the document will be returned by certified mail, return receipt requested, to the person filing the verified complaint at the person's address contained in the verified complaint, specifying that the verified complaint is incomplete and listing the elements that must be completed for the verified complaint to be accepted for review.
- e) Within 30 days after receipt of a verified complaint that meets all of the requirements of this Part, the Director shall review the complaint and determine whether the complaint is frivolous and without merit or whether further investigation is warranted based upon the information submitted in the complaint. The decision of the Director shall be based upon a determination that there is sufficient evidence to warrant an investigation of the complaint that a police officer, while under oath, has knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. The Director shall provide the complainant, at the address listed in the complaint, with written notice, by certified mail, return receipt requested, of his determination whether a complaint is deemed to be frivolous and without merit (and therefore dismissed) or whether the complaint warrants further investigation. If the Director determines that a complaint warrants further investigation, then the police officer alleged to have committed perjury and the police officer's employing agency shall also be given written notice of the Director's determination. Notification shall be by certified mail, return receipt requested, sent to the officer's and employing agency's last known address. Complaints and all documents related to the complaint may only be disclosed pursuant to the provisions of the Freedom of Information Act [5 ILCS 140].
- f) If the Director determines, after reviewing the verified complaint, that further investigation is warranted, the Director shall assign one or more task force investigators to conduct a fact-finding investigation and to write a report. The Director shall submit the written report to the Illinois Labor Relations Board State Panel as required by the Act.

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(Source: Added at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.130 Certification Revocation

Upon receipt of written notification that the Illinois Labor Relations Board State Panel has concluded that a police officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, the Illinois Law Enforcement Training and Standards Board shall immediately revoke the police officer's certification and provide written notice of such revocation by certified mail, return receipt requested, to the police officer and the officer's employing agency. Notification shall be by certified mail, return receipt requested, sent to the officer's last known address, to the officer's attorney, if any, and to the officer's employing agency.

(Source: Added at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.140 Reporting

The Director shall submit to the Director of the Illinois Labor Relations Board, at least semi-annually, written reports indicating:

- a) the number of verified complaints received by the Director since the date of the last report;
- b) the number of investigations initiated since the date of the last report;
- c) the number of investigations concluded since the date of the last report;
- d) the number of investigations pending as of the reporting date; and
- e) the number of officers decertified since the date of the last report.

(Source: Added at 28 Ill. Reg. 13537, effective September 23, 2004)

Section 1720.150 Law Enforcement Training and Standards Board Costs and Attorney Fees Fund

Pursuant to the provisions of Section 5.595 of the State Finance Act [30 ILCS 105/5.595], an employing agency of a task force investigator and an employing agency of an officer named in a verified complaint shall be reimbursed its approved costs of a task force investigator and an accused officer's reasonable attorney's fees and costs. An application for reimbursement shall be

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on forms provided by the Board and, after review and approval by the Director, shall be forwarded to the State Comptroller for payment.

(Source: Added at 28 Ill. Reg. 13537, effective September 23, 2004)

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Section 1720.APPENDIX B Complaint Form

COMPLAINT BEFORE THE
ILLINOIS LAW ENFORCEMENT TRAINING
AND STANDARDS BOARD

NOTE: IN ORDER TO FILE THIS VERIFIED COMPLAINT WITH THE BOARD, A
COMPLAINANT MUST BE EITHER A DEFENDANT ACQUITTED IN A MURDER
PROSECUTION OR A POLICE OFFICER WHO HAS PERSONAL KNOWLEDGE OF
PERJURED TESTIMONY IN A MURDER PROSECUTION RESULTING IN AN
ACQUITTAL.

1. Complainant's Name: _____

2. Complainant's Address: _____

3. The complainant is:

the defendant in a murder prosecution

a police officer with personal knowledge of perjured testimony in a murder
prosecution

4. Name of the county of the Circuit Court having jurisdiction of the underlying murder
prosecution: _____

5. Case Number: _____

6. Name of the Case: People of the State of Illinois v. _____

7. A verified complaint, to be valid, must be filed within 2 years after a judgment of
acquittal of the underlying murder prosecution. Please list the date of acquittal on a
charge of murder: _____

8. The name of the police officer alleged to have committed perjury in the murder
prosecution: _____

9. The name of the employing police agency at the time of the alleged perjury:

10. The dates the perjury was alleged to have been committed in the murder prosecution:

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[Attach additional sheets if necessary]

NOTE: A COPY OF THE TRANSCRIPT OF THE POLICE OFFICER'S SWORN TESTIMONY MUST BE ATTACHED TO THIS COMPLAINT OR THE COMPLAINT WILL NOT BE REVIEWED BY THE DIRECTOR.

CERTIFICATION

Under penalties provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109], the undersigned certifies that the statements set forth in this complaint are true and correct, except as to matters stated to be on information and belief and as to such matters the undersigned certifies that he or she believes to be true.

Complainant

20 Ill. Adm. Code 1720.120(b) requires that 3 copies of this complaint be filed with the Executive Director of the Illinois Law Enforcement Training and Standards Board at 600 S. 2nd St., Suite 300, Springfield IL 62704-2542.

(Source: Added at 28 Ill. Reg. 13537, effective September 23, 2004)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
590.10	Amendment
590.20	Amendment
590.60	Amendment
590.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20)
- 5) Effective date of amendments: September 24, 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 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: June 11, 2004; 28 Ill. Reg. 7795
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 590.60(b)(10) – "Devils Island (1)" was changed to read "Devil's Island State Fish and Wildlife Area (1)"

In Section 590.80(b) – "Devils Island" was changed to read "Devil's Island State Fish and Wildlife Area"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 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 update lawful shotgun shells, update permit requirements at permit controlled Department sites, update the list of sites and requirements at various other Department sites, and to update sites and requirements for early and late goose hunting regulations on Department sites.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
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:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 590
DUCK, GOOSE AND COOT HUNTING

Section

590.10	Statewide Regulations
590.15	Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60	Various Other Department Sites – Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites
590.EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency

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amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004.

Section 590.10 Statewide Regulations

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- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 USC 703-711), the "Migratory Bird Hunting Stamp Act" (16 USC 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20 and 21) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).*
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than [tungsten-iron \(HEVI-steel\) BBB](#), bismuth BBB, tungsten-iron BB, tungsten-polymer BB, tungsten-matrix BB, [tungsten-bronze-iron \(TBI\) BB](#), ~~or~~ tungsten-nickel-iron (HEVI-SHOT) B [or tungsten-tin-bismuth \(SILVEX\) 1](#) when attempting to take waterfowl. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- f) **Emergency Closure**
The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis. Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520 ILCS 5/2.33(cc)).

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- g) **Closed Areas**
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).
- h) **Commercial Migratory Waterfowl Hunting Area Permits**
- 1) The holder of a permit shall forward information on harvest and hunters to the Department, by phone or on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Permit holders are required to retain a copy of their harvest records for at least 2 years after expiration of their permit. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).
 - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that no more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).
 - 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.
- i) **Waterfowl Hunting Zones:**
- 1) **North Zone** – That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
 - 2) **Northern Illinois Quota Zone** – DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.
 - 3) **Central Zone** – That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east

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along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

- 4) Central Illinois Quota Zone – Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
 - 5) South Zone – From the southern boundary of the Central Zone south to the remainder of the State.
 - 6) Northeastern Illinois Canada Goose Zone – All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
 - 7) Southern Illinois Quota Zone – Alexander, Union, Williamson, and Jackson Counties.
- j) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. In the Southern Illinois Quota Zone (SIQZ), no person shall take or attempt to take wild geese after the hour of 3:00 p.m.; except, during the last 3 days of the Canada goose season and during any goose seasons that occur after the regular Canada goose season and during any Canada goose season set in September, hunting hours in the SIQZ shall close at statewide closing time. During special light goose seasons as indicated in subsection (n), statewide hunting hours shall be ½ hour before sunrise to ½ hour after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).
- k) On any property where the principal waterfowl harvest is wild geese in the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8(b)(4)).

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- l) The following apply in the Northern and Central Illinois Quota Zones only:
 - 1) It is unlawful to hunt Canada geese during seasons after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.
 - 2) Immediately upon taking possession of a harvested Canada goose, hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed.
 - 3) Hunters must report their kill on the same calendar day the geese are taken by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.
 - 4) Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).
- n) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

(Source: Amended at 28 Ill. Reg. 13562, effective September 24, 2004)

Section 590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh Fish and Wildlife Area

Horseshoe Lake Conservation Area

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Sangchris Lake State Park subimpoundment

Snakeden Hollow State Fish and Wildlife Area

Union County Conservation Area

b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first 2 weeks of the application period. Applicants making reservations will be sent confirmation.
- 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].
- 3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one hunting partner or one non-hunting partner or 2 non-hunting partners (3 persons per blind but not more than 2 hunters per blind) for Snakeden Hollow State Fish and Wildlife Area, Horseshoe Lake Conservation Area, and Union County Conservation Area, or 3 partners (hunters or non-hunters; 4 persons per blind) for Banner Marsh Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners are defined as persons under 21 years of age accompanying the hunter in the blind. Unallocated blinds shall be filled by a drawing at the sites.
- 4) Permits are not transferrable.
- 5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

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Illinois Department of Natural Resources
Permit Office – Waterfowl
P.O. Box 19457
Springfield IL 62794-9457

- c) General regulations
- 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at Snakeden Hollow State Fish and Wildlife Area from October 1 through close of Central Zone Canada goose season.
 - 2) Hours, Permits and Stamp Charges
 - A) Hunting hours are from legal opening time until 1:00 p.m., except at Horseshoe Lake Conservation Area and Union County Conservation Area, which close at 12 noon.
 - B) At Snakeden Hollow State Fish and Wildlife Area from opening day through November 30, all hunters must register at the check station by 5:00 a.m. Permits are void after 5:00 a.m. From December 1 through December 31, all hunters must register at the check station by 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m. At Banner Marsh Fish and Wildlife Area, Horseshoe Lake Conservation Area and Union County Conservation Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time.
 - C) A \$15 Daily Usage Stamp must be purchased at Snakeden Hollow State Fish and Wildlife Area, Horseshoe Lake Conservation Area and Union County Conservation Area. Partners between 16 and 20 years of age must pay daily usage stamp fee. Partners under 16 are not required to purchase a daily usage stamp.
 - D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh

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Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. All partners under 16 are not required to purchase a daily usage stamp.

- 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 4) Guns must be unloaded and encased at all times when not hunting.
- 5) ~~The legal hunting season for Union County Conservation Area is the dates of the Southern Quota Zone goose hunting season except that the area shall be closed on Mondays and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 685.110.)~~
- 56) The legal hunting season for Horseshoe Lake Conservation Area and Union County Conservation Area is the dates of the Southern Quota Zone goose hunting season except that these areas~~the area~~ shall be closed on Mondays, Tuesdays (except for the Illinois Youth Goose Hunt) and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (~~These sites~~This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 685.110.)
- 67) The legal hunting season at Snakeden Hollow State Fish and Wildlife Area is the dates of the Central Zone goose hunting season except that the area shall be closed on Mondays, Tuesdays, Wednesdays, and December 24, 25 and 26.
- 78) The legal hunting season at Banner Marsh Fish and Wildlife Area is the dates of the Central Zone duck hunting season.
- 89) The legal hunting season for the Sangchris Lake Subimpoundment subimpoundment is the opening day of the Central Zone duck hunting season, Tuesdays, Thursdays and Sundays, and the last day of the Central Zone duck hunting season except during the second firearm deer season when the Subimpoundment will be closed on the first day of the season and hunting hours will close at 10:00 a.m. during the remaining days of

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[the second firearm deer season](#) (on Thursdays blinds will be allocated by a daily drawing at the site pursuant to Section 590.60(b)(~~40~~)(~~32~~)(B)).

~~910~~) At Horseshoe Lake Conservation Area and Union County Conservation Area during duck season hunters may possess up to 25 shot shells. When duck season is closed hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit. At Snakeden Hollow State Fish and Wildlife Area hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

~~1011~~) At Horseshoe Lake Conservation Area and Union County Conservation Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed. [At Sangchris Lake Subimpoundment only Department decoys may be used.](#)

~~1112~~) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Horseshoe Lake Conservation Area and Union County Conservation Area.

~~1213~~) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 28 Ill. Reg. 13562, effective September 24, 2004)

Section 590.60 Various Other Department Sites – Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

a) Regulations

- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated by (1) following the location in subsection (b).
- 2) No permanent blinds allowed, except for Department constructed blinds; all blinds must be of a portable nature and constructed with natural

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vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.

- 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
 - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties, except for Department constructed blinds or staked locations.
 - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
 - 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
 - 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
 - 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season unless otherwise posted at the site.
- b) Site specific regulations
- 1) Blanding Wildlife Area (federal lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)
 - 2) Boston Bay (no permanent blinds may be built; temporary blinds only; 200 yards apart)
 - 3) Cache River State Natural Area (1)
 - 4) Campbell Pond Wildlife Management Area (1)
 - 5) Carlyle Lake Project Lands and Waters

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- A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
- B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
- C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department personnel will designate boat launching locations.
- D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department personnel shall post that the area is open to boats with motors of 10 hp or less and will designate boat launching locations.
- E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily

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before they exit the area.

- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- J) The following rules apply to North Allen Branch Waterfowl Management Area (Eldon Hazlet State Park) only
 - i) Three designated blind sites are available on a first come-first served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
 - ii) Hunters must sign in prior to hunting, and sign out and report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.
 - iii) Decoys shall not be left out unattended.
 - iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.
- 6) Chauncey Marsh (1)
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 7) Clinton Lake (1)
 - A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the

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windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.

- B) Except as described in subsections (b)(5)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
 - C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come-first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 2550 yards of a staked site. No more than 4 hunters per party are permitted.
 - D) Hunting is permitted from permanent land-based Disabled Hunting Program blinds.
 - E) Each party must hunt over a minimum of 12 decoys. Decoys must be removed from the sites following each day's hunt. Decoys must not be left unattended.
 - F) Except for the Handicap Hunting Program facilities, blinds must be portable or built from material brought in or available at the blind site. Blinds must be dismantled and removed at the end of each day's hunt. No trees or bushes may be cut.
- 8) Coffeen Lake State Fish and Wildlife Area
- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
 - B) Hunting from staked sites only.
 - C) No permanent blinds.
 - D) Hunting by boat access only.

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- E) No cutting vegetation on site.
- F) Hunting north of railroad tracks only.
- G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
- H) Four hunters per blind site.
- I) No hunting during firearm deer seasons.
- J) All hunters must be checked out at sign in box by 2:00 p.m.

- 9) Cypress Pond State Natural Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day) (1)

| 10) [Devil's Island State Fish and Wildlife Area \(1\)](#)

- | 11)40) Dog Island Wildlife Management Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.

| 12)41) Donnelley State Wildlife Area

- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) Goose hunting is prohibited after the close of the duck season.
- C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- E) A hunter may bring one or 2 hunting partners under the age of 21.

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- F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- G) No outboard motors are allowed by public – only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within one hour after termination of hunt or no later than 2:00 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This shall consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

| 13)12) Fort de Chartres Historic Site (1)

- A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
- B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
- C) No hunting is allowed during firearm deer season.

| 14)13) Fox Ridge State Park (1)
Hunting restricted to Embarras River and its flood waters.

| 15)14) Fox River (1)

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- A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
- B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis. Statewide regulations shall be in effect with no other Sections of this Part being applicable.

16)45) Fox River – Chain of Lakes (Lake and McHenry Counties) (1)
Waterfowl blind regulations promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a violation of this Section. Statewide regulations shall be in effect with no other Sections of this Part applicable.

17)46) Freeman Mine
Hunting regulations will be publicly announced.

18)47) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake

- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be

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allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.

- C) Access to water blind sites must be by boat only and from designated boat launch sites.
- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check station within one hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.
- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

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- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.
- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes, waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

| 19)18) Horseshoe Lake (Alexander County) Public Hunting Area

- A) Closed to waterfowl hunting on Mondays and Tuesdays.
- B) When duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

| 2019) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)

| 2120) Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (site permit required)

| 2221) Kaskaskia River Fish and Wildlife Area (only the last 3 days of duck season and the last 3 days of the regular Canada goose season) (1)

- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
- B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
- C) It is unlawful to leave duck and goose decoys unattended. Decoys

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must be picked up at the end of each day's hunt.

- D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
- i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. [During the second firearm deer season, waterfowl hunting closes at 11:00 a.m. and no waterfowl hunters may remain in the area after 1:00 p.m.](#)
 - ii) Only waterfowl, coot, [firearm deer hunting \(during the second firearm deer season only\)](#), archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
 - iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake, and only one hunting party may occupy a staked site at any given time. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first come-first served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
 - iv) A drawing for stake allocation will be done at the site office by mail no later than 4 weeks before the opening day of duck season. The application deadline and procedure will be publicly announced. Hunters who wish to hunt together at a staked location must register as a hunting party. Only 4 persons shall be in a hunting party. Only those persons in that party may hunt at the assigned stake.

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No later than 2 weeks prior to duck season, at least one person from each of the hunting parties drawn should appear at the site office to choose a staked site in the order that the hunting parties were drawn.

- F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)
- i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
 - ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
 - iii) Hunters must sign in/out and report harvest at check station after hunting.

| 23)22) Kickapoo State Recreation Area

- A) Hunting permitted only from staked sites. Sites will be allocated by daily drawing at the designated check in. Registration will be from 4:30 a.m. to 5:00 a.m. each day. The drawing will be held immediately after registration period.
- B) Hunters must register and hunt as parties. No more than 4 hunters per party are permitted. Parties will select blind sites in the order they are drawn. No non-hunting partners.
- C) Staked sites not selected during the drawing shall be allocated on a first come-first served basis.
- D) Upon vacating their blinds, all hunters must take their completed harvest cards, issued daily on site, and place them in the collection box at the designated check station.
- E) Each hunting party must hunt over a minimum of 12 decoys.
- F) Waterfowl hunting is permitted only during the first 7 weekdays of the November portion of the Central Zone Canada goose season.

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- G) Hunting from staked sites only. Hunting must be within 10 feet of the staked location. All hunting must be from one portable blind or one anchored boat blind. Electric motors only for all boats.
- H) Blind material must be brought in and taken out each day. No vegetation may be cut at the site.
- I) Hunting hours are from legal opening to 1:00 p.m. Hunters must be out of the field by 2:00 p.m.
- J) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, provided they include the blind change on the harvest card and report their harvest for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.

| 24)23) Kinkaid Lake Fish & Wildlife Area (1)

| 25)24) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:
 - i) All parties must hunt within 10 yards of their assigned stake.
 - ii) All parties must be in place by ½ hour before hunting time.

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- iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(21)(A) and (B). Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis until the opening of the Illinois southern zone duck season, except as noted in subsections (b)(21)(A) and (B). A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of waterfowl are permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.
- H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

| 26)25) Marshall State Fish and Wildlife Area – Duck Ranch Unit Only

- A) On days open to hunting, blind or staked sites shall be allocated by

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a random drawing held at Marshall State Fish and Wildlife Area (MSFWA) check station, 5 miles south of Lacon on S.R. 26. The drawing will be conducted 60 minutes prior to legal shooting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select hunting blinds in the order drawn. No more than 4 hunters per party; only registered party members shall be allowed to hunt in the party's blind.

- B) Blinds or staked sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant staked sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 11:00 a.m. Daily hunting hours will close at 1:00 p.m.
- C) All hunting must be from a designated blind or staked site. Refilling or changing blinds or staked sites is not permitted.
- D) Hunters are required to report their harvest at the end of the day's hunt on a harvest card located in the blind. Hunters are not required to report back to the MSFWA check station.
- E) No hunting on Monday, Wednesday, or Friday.

27)26) Mermet

- A) Waterfowl hunting shall be permitted only during the duck hunting season.
- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Individual hunter, or hunting party, can only be allocated one blind per day. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

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- C) The daily drawing shall be held ~~1½~~^{one} hour prior to legal [hunting opening](#) time.
- D) All members of the hunting party shall register as a group (not to exceed 4 persons per group, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide) for the purpose of the drawing.
- [E\) Hunter or hunting party is to accept and hunt the blind drawn, or reject it immediately. Hunters rejecting blinds are ineligible to hunt in the blind area for the remainder of that day. Any vacant \(rejected\) blinds at the end of the drawing can be drawn for by parties who drew "blanks" during the original drawing.](#)
- ~~FE)~~ Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.
- ~~GF)~~ In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.
- ~~HG)~~ Boats without motors may be used in the walk-in areas.
- ~~IH)~~ No hunting Christmas Day, Sundays and Mondays in the blind area.
- ~~J)~~ Hunting hours are from legal opening to 12 noon.
- ~~K)~~ [Hunters cannot possess more than 25 shotshells.](#)
- ~~28)27)~~ Newton Lake Fish and Wildlife Area
- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register before entering the hunting area. [Hunting hours end at 1:00 p.m.;](#)

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all hunters must be off the water or out of the field by 2:30 p.m. daily.

- B) Upon vacating their blinds, all hunters must place their completed harvest cards in the collection box located at the boat ramp or site headquarters.
- C) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.
- D) No more than 4 persons shall occupy a blind at one time.
- E) The west arm of the lake shall be closed to all waterfowl hunting.
- F) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- G) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, providing they include the blind change on the harvest card and report their kill for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
- H) Access to water blind sites shall be by boat only and from the eastwest side boat ramps. Access to land sites shall be by walk-in only and from nearby hunter parking lots. No parking is allowed along county roads.
- I) All water hunting must be from one portable blind or one anchored portable boat blind located between the assigned numbered stakes, no more than 10 yards from shore. All land hunting must be done from a position within 50 feet of the assigned numbered stake.
- J) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

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- K) Blind site water: A position between 2 like numbered stakes where a blind may be located. Blind site land: A position within 50 feet of numbered stakes where a hunter may set up or a temporary blind may be located.
- L) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.
- M) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- N) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- O) This site is closed to all users except firearm deer hunters during the firearms deer seasons.

~~29)28)~~ Oakford Conservation Area (1)

~~30)29)~~ Pyramid State Park – Captain Unit (~~hunting regulations will be posted at the site~~)

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than 4 hunters to a party.
- E) 12 staked sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes

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identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.

- F) All names in a party must be on one card; successful participants will have card stamped with date and stake number. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 200 yards from the nearest staked location or another hunter.
- K) The land and water portion of the Captain Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Captain Unit Waterfowl Rest Area is described as follows: All land and water west of Panda Bear Road north to Northern Haul Road, then south on Beltline Road to Western Haul Road, then east on Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) The waterfowl daily drawing and 12 staked locations will be closed to hunting on December 25.

31)30) Pyramid State Park – Denmark Unit (~~hunting regulations will be posted at the site~~)

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- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than 4 hunters to a party.
- E) 32 staked sites will be allocated by daily drawing at the Galum Unit office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) All names in a party must be on one card; successful participants will have card stamped with date and stake number. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 200 yards of Denmark Unit Waterfowl Rest Area and 100 yards of any private property boundary.
- K) The land and water portion of the Denmark Unit Waterfowl Rest

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Area is closed to all entry from October 28 through February 28. The location of the Denmark Unit Waterfowl Rest Area is described as follows: All land and water east of field DM 72 following Pipestone Creek, north and then east along Seven Island Trust Property Boundary, then east to Eastern Haul Road, then north to Pyatt-Cutler Road.

- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) The waterfowl daily drawing and 32 staked locations will be closed to hunting on December 25.

32)34) Pyramid State Park – East Conant Unit (~~hunting regulations will be posted at the site~~)

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than four hunters to a party.
- E) No waterfowl hunting within 100 yards from any private property boundary.
- F) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- G) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- H) Hunters may hunt crop fields and wetlands; however, they must be a minimum of 200 yards from the nearest staked location or

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another hunter.

- 33)32) Pyramid State Park – Galum Unit (~~hunting regulations will be posted at the site~~)
- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
 - B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
 - C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
 - D) No more than 4 hunters to a party.
 - E) 4 staked sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
 - F) All names in a party must be on one card; successful participants will have card stamped with date and stake number. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
 - G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
 - H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
 - I) Waterfowl hunters may not hunt on main lakes other than staked locations.- Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

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- J) [No waterfowl hunting within 100 yards of any private property boundary.](#)
- K) [After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.](#)
- L) [The waterfowl daily drawing and 4 staked locations will be closed to hunting on December 25.](#)

~~34)33)~~ Ray Norbut State Fish and Wildlife Area (1)
Statewide season regulations apply except that the season closes December 15 in Eagle Roost Area, or the legal statewide closing, whichever is earlier.

~~35)34)~~ Rend Lake Project Lands and Waters

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
- D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- E) All boat traffic is prohibited from entering the subimpoundments from one week before waterfowl season until opening day of waterfowl season.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

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- G) Air boats will not be allowed in the Casey Fork Subimpoundment, the Big Muddy Subimpoundment, and the impoundments on Corps of Engineers' managed areas such as Atchison Creek and Gun Creek during the regular duck and Canada goose seasons. When ice conditions do not allow access at boat ramps by normal watercraft, then air boats can be used in the Casey Fork and Big Muddy Subimpoundments.
- H) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
- i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
 - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
 - iii) All hunters must have the registration card from the check station in their possession while hunting.
 - iv) Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party who has registered at the check station may occupy the unclaimed pit.
 - v) No more than 6 dozen decoys may be used per pit.
 - vi) No more than 4 hunters will be allowed in a pit or hunting party.
- I) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

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- J) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.
- K) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
 - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- L) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- M) Staked Hunting Areas – Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located and only one hunting party may occupy a staked site at any given time.

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- ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from ½ hour before drawing time to 9:30 a.m. daily.
- iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
- iv) Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m. All hunters must register at the check station.
- v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

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| [37\)35\)](#) Saline County Conservation Area (1)

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.
- C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

| [38\)36\)](#) Sand Ridge State Forest (Sparks Pond Land and Water Reserve) (1)

- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
- B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
- C) Hunters must report harvest to site office.

| [39\)37\)](#) Sanganois State Fish and Wildlife Area

- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.
- B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
- D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
- E) Topper's Hole is a walk-in area accessed by boat only, no check-in,

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check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.

- F) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
- G) Upon the completion of hunting, hunters must report to the check station within one hour.
- H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
- J) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
- K) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
- L) No hunting permitted from the walk-in area subimpoundment levee.
- M) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.

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40)38) Sangchris Lake State Park

- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.
- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(34)(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.
- I) Blind sites shall be determined by the Department of Natural

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Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.

- J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- L) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from one Department designated blind or pit.
- M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- N) No unauthorized pits or blinds shall be built on State managed land.
- O) Blind sites: A position between 2 like numbered stakes within a cove or other Department designated site where a blind may be located.
- P) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season, unless the youth waterfowl hunt is more than 10 days before the regular duck season, then the east and west arms will be closed to accommodate the youth waterfowl hunt. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion

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of the Canada goose season that follows the duck season.

- Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt ~~(except at peninsula subimpoundments where only Department decoys may be used).~~
- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.
- V) All blinds will be closed during the first day of the second firearm deer season; hunting hours will be from statewide hunting hours until 10:00 a.m. the remaining days of the second firearm deer season.
- ~~41)39)~~ Shawnee National Forest, Upper and Lower Bluff Lakes
Goose hunting is prohibited at Lower Bluff Lake.
- ~~42)40)~~ Shawnee National Forest, LaRue Scatters
All hunting must be by walking in or in boats without motors.
- ~~43)41)~~ Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)
- A) All hunting must be by walking into the area.

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- B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.

| ~~44)42)~~ Sielbeck Forest Natural Area (1)

| ~~45)43)~~ Stephen A. Forbes State Park

- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
- B) Only walk-in hunting is allowed in the subimpoundment.
- C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

| ~~46)44)~~ Ten Mile Creek Fish and Wildlife Area (1)

- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
- B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle Rive unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.
- D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

| ~~47)45)~~ Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and

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out and report kill) (1)

~~48)46)~~ Union County (Firing Line Waterfowl Management Area)

- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.
- C) Access to blind sites is from Clear Creek Levee only.
- ~~D)~~ ~~All hunting must be from assigned blinds or within 30 feet of the assigned, numbered, hunter stake site.~~
- ~~DE)~~ Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- ~~EF)~~ Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.
- ~~EG)~~ When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

(Source: Amended at 28 Ill. Reg. 13562, effective September 24, 2004)

Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e)) with the following exceptions:

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- 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).
 - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
 - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
 - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.
 - 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
 - 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
 - 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.
 - 8) During goose seasons held after Canada goose season, statewide hunting hours apply.
- b) The following sites will be open to all goose hunting seasons:
- Blanding Wildlife Area @
- Cache River Natural Area *
- Carlyle Lake Project Lands and Waters, including North Allen Branch Waterfowl Management Area (no early goose hunting east of Kaskaskia River from Cox's Bridge Access north to the Department's boundary line) *
- Chain O'Lakes State Park #

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Chauncey Marsh (permit required, available at Red Hills State Park)

[Clinton Lake State Recreational Area – early season goose hunting in waterfowl hunting areas east of Parnell Bridge and North of Route 54 only. Any goose hunting seasons after the regular Canada goose seasons will close March 15.](#)

Des Plaines Conservation Area #

[Devil's Island State Fish and Wildlife Area](#)

Dog Island Wildlife Management Area *

Fort de Chartres Historic Site

Horseshoe Lake State Park (Madison County) (blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) # *

Kaskaskia River State Fish and Wildlife Area (Baldwin Lake Waterfowl Rest Area is closed to hunting) *

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season)

Marshall State Fish and Wildlife Area – Sparland and Duck Ranch Units @

Marshall State Fish and Wildlife Area – Spring Branch and Marshall Units * @

Meredosia Lake

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26) (no hunting is allowed in the designated Batchtown Waterfowl Rest Area; blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this

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Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) @

Mississippi River Pools 16, 17, and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area *

Sanganois State Fish and Wildlife Area * @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Shawnee Forest, Upper Bluff Lake

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Woodford Fish and Wildlife Area * @

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada goose season:

Anderson Lake (closed after regular duck season) * @

Clinton Lake State Recreation Area (hunting will be in designated walk-in areas only; boat blinds allowed where hunting will be within 50 yards of a staked site; free site permit required; no hunting within 200 yards of developed areas, construction zones and 300 yards of electrical power lines; no more than 4 persons per blind and a minimum of 12 decoys must be used)

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Coffeen Lake State Fish and Wildlife Area (hunting north of County Road N6th only; no fishing north of County Road N6th during this season) * #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit; season opens with teal season)

Ray Norbut State Fish and Wildlife Area *

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) * @

- d) The following sites will be open to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh * @

Braidwood State Fish and Wildlife Area *

Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake DePue Fish and Wildlife Area *

Lake Sinnissippi Fish and Wildlife Area

Newton Lake Fish and Wildlife Area *

Pekin Lake Fish and Wildlife Area

Spring Lake Fish and Wildlife Area (hunting from registered blinds or within 10 feet of staked blind sites is permitted after the close of the duck season) *

Starved Rock State Park *

- e) The following sites will be open to any goose hunting seasons that occur after the regular Canada goose hunting season:

~~Clinton Lake State Recreation Area (season closes March 15)~~

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Fulton County Goose Management Area (from pits or staked blinds sites only)*

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas)

* @

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit, West Open Unit, Quail Management Unit only)

Pyramid State Park – Captain Unit (no hunting in Captain Unit Waterfowl Rest Area @)

Pyramid State Park – Denmark Unit (no hunting in Denmark Unit Waterfowl Rest Area) @

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit @

Sangchris Lake State Park *

Stephen A. Forbes State Park *

Snakeden Hollow State Fish and Wildlife Area (from pits only) *

Union County Conservation Area (firing line and controlled hunting area) * @

William W. Powers Conservation Area

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

~~Campbell Pond Wildlife Management Area~~

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area *

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

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Redwing Slough/Deer Lake

- g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area

- h) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 28 Ill. Reg. 13562, effective September 24, 2004)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3) Section Number: 720.40 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]
- 5) Effective date of amendment: September 24, 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 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: June 11, 2004; 28 Ill. Reg. 7846
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: In Section 740.20, "Devil's Island" was changed to read "Devil's Island State Fish and Wildlife Area."
- 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: This Part was amended to update sites and site-specific regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel

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Department of Natural Resources
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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 720
THE TAKING OF WILD TURKEYS – FALL ARCHERY SEASON

Section

720.10	Hunting Seasons and Counties Open to Hunting
720.20	Statewide Turkey Permit Requirements
720.25	Turkey Permit Requirements – Landowner/Tenant Permits
720.30	Turkey Hunting Regulations
720.40	Regulations at Various Department-Owned or -Managed Sites
720.50	Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective June 19, 2000; amended at 25 Ill. Reg. 11448, effective August 14, 2001; amended at 26 Ill. Reg. 13867, effective September 5, 2002; amended at 27 Ill. Reg. 12658, effective July 21, 2003; amended at 28 Ill. Reg. _____, effective September 24, 2004.

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Violation of a site specific

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regulation is a Class B misdemeanor (see 520 ILCS 5/2.9). Those sites followed by a (2) require hunters to obtain a permit from the site before hunting:

- * Anderson Lake Conservation Area (1)
- Apple River Canyon State Park – Salem and Thompson Units (1)
- Argyle Lake State Park (1)
- Beaver Dam State Park (2)
- Big Bend State Fish and Wildlife Area (1)
- Big River State Forest (1)
- Cache River State Natural Area (1)
- Campbell Pond Wildlife Management Area
- Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands
- Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
- Castle Rock State Park (1)
- Chain O'Lakes State Park (closed Wednesday through Sunday of pheasant season; opens Monday prior to pheasant season and closes Tuesday following close of pheasant season; reopens December 26 through the close of regular season) (1)
- Chauncey Marsh (permit available at Red Hills State Park) (2)
- Clinton Lake State Recreation Area (2)
- Crawford County Conservation Area (1)
- Cypress Pond State Natural Area (1)
- | [Devil's Island State Fish and Wildlife Area](#)

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Dixon Springs State Park (1)

Dog Island Wildlife Management Area (1)

Eagle Creek State Park (2)

Falling Down Prairie (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site

Fort Massac State Park (1)

* Franklin Creek State Park (hunting in designated area only) (1)

Giant City State Park (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area (must possess valid site archery permit) (2)

Hanover Bluff [Natural Area—Kopper Tract](#) (1)

Harry "Babe" Woodyard State Natural Area (2)

[Horseshoe Lake Conservation Area \(Alexander County\) \(controlled goose hunting area closed 7 days prior to the Quota Zone goose season through the close of the Quota Zone goose season; remainder of the public hunting area open during the statewide season\) \(1\) \(2\)](#)

* Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units (Madison County) (2)

I-24 Wildlife Management Area (1)

Iroquois County State Wildlife Area

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

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Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)

Jubilee College State Park (1)

Kaskaskia River State Fish and Wildlife Area

Kickapoo State Park (2)

Kinkaid Lake Fish and Wildlife Area

Kishwaukee River State Fish and Wildlife Area (2)

Lowden-Miller State Forest (1)

Mackinaw River State Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed each Friday, Saturday, and Sunday in October) (1)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (1)

* Matthiessen State Park (hunting in designated areas only; must have valid archery deer permit in possession to hunt turkeys; open concurrent with site archery deer season; during the statewide firearm deer seasons, hunters must meet orange clothing requirements) (1) ~~(2)~~

Mautino State Fish and Wildlife Area (2)

Mermet Lake State Fish and Wildlife Area (1)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

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

Mississippi River Pools 16, 17 and 18

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Mississippi River Pools 21, 22 and 24

Nauvoo State Park (Max Rowe Unit only)

Newton Lake Fish and Wildlife Area (must possess valid site archery permit) (2)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)

Pere Marquette State Park (1)

Pyramid State Park

Pyramid State Park – East Conant Unit (2)

* Ramsey Lake State Park (2)

* Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

* Red Hills State Park (1)

* Rend Lake Project Lands and Waters

| [Sahara Woods State Fish and Wildlife Area \(1\)](#)

Saline County Conservation Area (1)

* Sam Dale Lake Conservation Area (2)

* Sam Parr State Park (1)

Sand Ridge State Forest (2)

| * Sandy Ford [Land and Water Reserve](#)(~~permits available at Starved Rock State Park~~) (1)
(2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Sanganois State Fish and Wildlife Area (2)

* Shabbona Lake State Park (1)

Shelbyville Lake – Corps of Engineers Managed Lands

Shelbyville Wildlife Management Area (2)

Sielbeck Forest Natural Area (1)

Siloam Springs State Park

Siloam Springs State Park – Buckhorn Unit (resident hunters only) (1)(2)

~~Siloam Springs State Park – Scripps Unit (resident hunters only) (1)(2)~~

~~[Snakeden Hollow Fish and Wildlife Area – Ives Unit \(1\)](#)~~

* Spring Lake State Fish and Wildlife Area (2)

* Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest [\(1\)](#)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (firing line unit – Statewide season, Public Hunting Area October 1 through October 31, reopens with the close of the Quota Zone goose season) [\(1\)](#)

* Washington County Conservation Area (1)

Weinberg-King State Park

Weinberg-King State Park ~~– (Cecil White Unit)~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

| [Weinberg-King State Park – Scripps Unit \(resident hunters only\) \(1\)](#)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended at 28 Ill. Reg. _____, effective September 24, 2004)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.14 Adopted Action: New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective date of amendment: September 28, 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 amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 14, 2004; 28 Ill. Reg. 6962
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been made to the proposed rulemaking.
- 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? Yes
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.32	Amendment	September 17, 2004 (28 Ill. Reg. 12776)
120.80	Amendment	June 4, 2004 (28 Ill. Reg. 7592)
120.378	New Section	April 2, 2004 (28 Ill. Reg. 5606)
120.379	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.387	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.530	New Section	February 27, 2004 (28 Ill. Reg. 3685)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and purpose of amendment: This amendment establishes presumptive eligibility for children allowing them to have immediate health insurance coverage while their applications for medical benefits are being reviewed. Presumptive eligibility allows children to access needed medical care without delay during the review period. Medical coverage under presumptive eligibility applies to persons under 19 years of age and includes all medical assistance services. The temporary period of medical coverage under presumptive eligibility continues until the application review concludes and a determination has been made concerning eligibility for medical benefits.

Presumptive eligibility of children for medical assistance is a state option that was established by the Balanced Budget Act of 1997. Presumptive eligibility was later expanded under the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000.

Related amendments concerning presumptive eligibility are also being adopted at 89 Ill. Adm. Code 125: Children's Health Insurance Program.

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

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
| [120.14 Presumptive Eligibility for Children](#)
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

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

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SUBPART D: MEDICARE PREMIUMS

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

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

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

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

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

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

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

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- 120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
120.510 Health Benefits for Workers with Disabilities
120.520 SeniorCare
120.540 Illinois Healthy Women Program
- 120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

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

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

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15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153,

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effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101,

DEPARTMENT OF PUBLIC AID

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effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency

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amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004.

SUBPART B: ASSISTANCE STANDARDS

Section 120.14 Presumptive Eligibility for Children

- a) A child younger than 19 years of age may be presumed eligible for medical assistance under this Part if all of the following apply:
 - 1) an application for medical benefits has been made on behalf of the child;
 - 2) the child is a resident of Illinois as described in Section 120.311;
 - 3) the child is not an inmate of a public institution as described in Section 120.318(a);
 - 4) the child's family's monthly income, as stated on the application, is at or below 133 percent of the poverty level;
 - 5) the State employee who registers the application has no information that the child is not a U.S. citizen or a qualified non-citizen as described in Section 120.310 or 89 Ill. Adm. Code 118.500; and
 - 6) the child has not been presumed eligible under this Part 120 or 89 Ill. Adm. Code 118 or 125 within the past 12 months.
- b) Entities qualified to make a determination of presumptive eligibility include State employees involved in enrolling children in programs under this Part 120 or 89 Ill. Adm. Code 118 or 125.
- c) The presumptive eligibility period begins on the date of application.
- d) The presumptive eligibility period ends on the date the State's determination of the child's eligibility under this Part 120 or 89 Ill. Adm. Code 118 or 125 is updated in the data system.

(Source: Added at 28 Ill. Reg. 13621, effective September 28, 2004)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Children's Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 125
- 3) Section Number: 125.225 Adopted Action:
New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective date of amendment: September 28, 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 amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: May 14, 2004; 28 Ill. Reg. 6965
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been made to this proposed rulemaking.
- 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 amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendment: This rulemaking establishes presumptive eligibility for children that allows them to have immediate health insurance coverage while their applications for medical benefits are being reviewed. Presumptive eligibility allows children to access needed medical care without delay during the review period. Medical coverage under presumptive eligibility applies to persons under 19 years of age and includes all services covered under the Children's Health Insurance Program. The temporary period of medical coverage under presumptive eligibility continues until the application review concludes and a determination has been made concerning eligibility

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for medical benefits. Participant copayments and premiums are not assessed during the presumptive eligibility period.

Presumptive eligibility of children for medical benefits is a state option that was established by the Balanced Budget Act of 1997. Presumptive eligibility was later expanded under the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000.

Amendments concerning presumptive eligibility are also being adopted at 89 Ill. Adm. Code 120: Medical Assistance Programs.

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

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 125
CHILDREN'S HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
125.100	General Description
125.110	Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section	
125.200	Eligibility for Children's Health Insurance Program
125.205	Eligibility Exclusions and Terminations
125.220	Application Process
125.225	Presumptive Eligibility for Children
125.230	Determination of Monthly Countable Income
125.240	Eligibility Determination and Enrollment Process
125.245	Appeals
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SUBPART C: KIDCARE HEALTH PLAN

Section	
125.300	Covered Services
125.305	Service Exclusions
125.310	Copayments
125.320	Premium Requirements
125.330	Non-payment of Premium
125.340	Provider Reimbursement

SUBPART D: KIDCARE REBATE

Section	
125.400	Minimum Coverage Requirements

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- 125.420 Coverage Verification Process
- 125.430 Provision of Policyholder's Social Security Number
- 125.440 KidCare Insurance Rebate
- 125.445 Rebate Overpayments

AUTHORITY: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 15706, effective August 12, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 543, effective December 24, 1998; emergency amendment at 24 Ill. Reg. 4217, effective March 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11822, effective July 28, 2000; amended at 26 Ill. Reg. 12313, effective July 26, 2002; emergency amendment at 26 Ill. Reg. 15066, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 4723, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10807, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18623, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 7163, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13632, effective September 28, 2004.

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 125.225 Presumptive Eligibility for Children

a) A child younger than 19 years of age may be presumed eligible for a KidCare Health Plan under this Part if all of the following apply:

- 1) an application for medical benefits has been made on behalf of the child;
- 2) the child is a resident of Illinois;
- 3) the child is not an inmate of a public institution as described in Section 125.205(a)(1);
- 4) the child is a member of a family whose monthly countable income, as stated on the application, is above 133 percent of the Federal Poverty Level and at or below 200 percent of the Federal Poverty Level;
- 5) the State employee who registers the application has no information that the child is not a U.S. citizen or a qualified non-citizen as described in 89 Ill. Adm. Code 125.200(e) or 89 Ill. Adm. Code 118.500; and

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- 6) the child has not been presumed eligible under this Part 125 or 89 Ill. Adm. Code 118 or 120 within the past 12 months.
- b) Entities qualified to make a determination of presumptive eligibility include State employees involved in enrolling children in programs under this Part 125 or 89 Ill. Adm. Code 118 or 120.
- c) The presumptive eligibility period begins on the date of application.
- d) The presumptive eligibility period ends on the date the State's determination of the child's eligibility under this Part 125 or 89 Ill. Adm. Code 118 or 120 is updated in the data system.
- e) No copayment or premium requirements apply during the period of presumptive eligibility.

(Source: Added at 28 Ill. Reg. 13632, effective September 28, 2004)

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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>Emergency Action</u> :
1.720	Amendment
1.737	Amendment
1.Appendix A	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) Effective Date of Amendments: September 27, 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: September 27, 2004
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As explained in more detail below, this rulemaking is being conducted for two purposes: to restore long-standing provisions that were inadvertently omitted from recent amendments; and to restore the validity of the provisional vocational certificate to the grades in which it had been used until the time of those amendments. In light of information that has recently come to the attention of ISBE staff, the agency finds that a threat to the public interest is inherent in the restriction of the provisional vocational certificate's applicability to Grades 11 and 12 only. The public interest is not well served if career and technical education programs cannot be offered because of the cost of assigning different teachers to Grades 7-10. The same is true with respect to the omission of requirements for the assignment of teachers in the middle grades that were intended to persist unchanged.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking consists almost entirely of technical corrections that are needed to ensure continuity in certification policy. When the personnel-related portions of Part 1 were most recently amended (effective June 1, 2004), no changes were intended in the requirements for serving in the middle grades. However, by virtue of the way the various rules work together, the specific lists of required coursework for teachers whose fields are reading or library/media science became inapplicable and were not replaced. We therefore have

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identified a need to amend Section 1.720 by restating the specific topics that the required 18 hours in the field must address.

Similarly, in the recent amendment process several long-standing requirements for the assignment of teachers in career and technical education programs were inadvertently omitted. These details, which chiefly have to do with the requirement for work experience in the field to be taught, need to be added to new Section 1.737, which discusses the minimum requirements for various assignments. The wording change in the title and in subsection (a) of Section 1.737 is being made only to ensure that it is clear that the requirements expressed apply to grade 9 regardless of the configuration of grades among schools in a district.

Finally, the chart presented in Appendix A should have included both the old and the new specifications for the provisional vocational and temporary provisional certificates, since the previously issued K-12 certificates do continue to be valid if properly registered.

The only policy change being made via Appendix A is to re-amend the validity of the provisional vocational certificate. The amendments that took effect on June 1 of this year included a change in the validity of both the provisional vocational certificate and the temporary provisional vocational certificate from K-12 to grades 11 and 12 only. The difficulties caused by that change were not noted during the public comment period but have now come to our attention. Educators in the field as well as representatives of the regional superintendents who deal with certification issues have indicated that smaller districts in particular will be unable to offer career and technical education programs if they are required to employ different staff for exploration and orientation (which occur in grades 7 through 10) than for the "skill-level" instruction that is provided in grades 11 and 12.

We concur that individuals who meet the requirements for the provisional vocational certificate generally have sufficient educational preparation, in addition to their career background, to enable them to introduce students in grades 7 and above to the fields addressed in career and technical education. However, we have determined that the temporary provisional vocational certificate, for which the requirements are less stringent, should continue to be valid only for grades 11 and 12 and limited to skill-level instruction in the specific field of endorsement.

Also reflected in Appendix A is a change in the validity of the initial certificate. P.A. 93-679, signed into law on June 30 of this year, added a stipulation that the initial certificate, which was previously not renewable, would be renewable without limitation until the certificate-holder acquires four years of teaching experience. The new Type 78

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certificate for school counselor interns also needs to be identified. These changes would not require emergency rulemaking in and of themselves, but the Appendix should reflect them now that it is being amended for the other reasons outlined above.

- 11) Are there any proposed amendments to this Part pending? No
- 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:

Dennis Williams, Division Administrator
Certification
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-7702

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE 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 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

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Section

- 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
- 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

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Section

- 1.705 Minimum Requirements for Teachers (Repealed)
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- EMERGENCY
- 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 in Grades 9 through 12 at ~~the Secondary Level~~ Beginning July 1, 2004
- EMERGENCY
- 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
- EMERGENCY
- 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-

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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, 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. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days.

SUBPART G: STAFF QUALIFICATIONS

Section 1.720 Requirements for Teachers of Middle Grades**EMERGENCY**

- 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) of this Section prior to July 1, 1997, or completed the coursework identified in subsection (a)(2) of this Section. In mathematics and reading, and for library information specialists, there is specific coursework that must be included among the 18 semester hours to be earned; see subsection (a)(3), (4), and (5) of this Section.
 - 1) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music),

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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.

- 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) 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 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) 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;

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- B) Calculus;
- C) Modern algebra or number theory;
- D) Geometry;
- E) Computer science;
- F) Probability and statistics;
- G) History of mathematics.

4) For major assignments in reading in any of departmentalized grades 5 through 8:

A) persons first employed on or after September 1, 1978, but before July 1, 2004, are required to have completed the 18 semester hours described in Section 1.740 of this Part; and

B) persons first employed on or after July 1, 2004, shall be required to have completed 18 semester hours in the field that include a practicum and address at least five of the six topics listed at 23 Ill. Adm. Code 25.100(i).

5) Persons first employed on or after September 1, 1978, as media professionals or library information specialists serving any of grades 5 through 8 are required to have completed 18 semester hours in the field that address administration, organization (cataloging and classification), reference, and selection of materials. The provisions of subsection (a)(2) of this Section notwithstanding, no individual who has completed only nine semester hours in the field may serve in this capacity.

- 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) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or
- 4) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days)

Section 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 ~~at the Secondary Level~~ Beginning July 1, 2004
EMERGENCY

- a) Beginning July 1, 2004, no teacher may be assigned to teach a particular subject ~~in any of grades 9 through 12 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 (and, in the case of the provisional vocational certificate, has also completed the work experience required pursuant to subsection (b)(1)(A) of this Section); or
 - 2) met the requirements of Section 1.730, 1.735, or 1.736 of this Part, or their predecessor requirements, at a time when they were applicable to that assignment, as confirmed by the employing district's verification of the individual's qualifications; 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(1); 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).
- 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

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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(l). 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 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.

A) In addition to the semester hours required under subsection (b)(1) of this Section, teachers who provide instruction at the "skill level" (grades 11 and 12) in reimbursable career and technical education programs must have 2,000 hours of work experience in the area to be taught or, for more than one area, a total of 2,000 hours with no fewer than 250 hours in each area taught. A district may, however, employ an individual who holds a secondary certificate but has not completed 2,000 hours of work experience in the occupational area to be taught, provided that the individual acquires this experience in paid employment outside the teaching profession within four years after the date of first assignment. The employing entity shall maintain records to substantiate this experience, which may include written statements from former supervisors who can be reached for verification or, in cases where supervisors are no longer available to verify the individual's employment, affidavits by the applicant's instructors describing the work experience.

B) In addition to meeting the other requirements of this subsection (b)(1), a teacher serving as a coordinator of either a specific cooperative education program or interrelated cooperative education shall be required to have completed six semester hours

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of coursework in the organization and administration of cooperative education.

C) A teacher serving as a coordinator of cooperative education for special education students shall be required to meet the requirements for assignment as a special education teacher rather than those for assignment as a teacher of career and technical education, except that an individual serving in this capacity shall be required to have completed 2,000 hours of work experience as provided in subsection (b)(1)(A) of this Section and six semester hours of coursework in the organization and administration of cooperative education.

- 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.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days)

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Section 1.APPENDIX A Professional Staff Certification**EMERGENCY**

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.

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	4	21-3
03	Initial Elementary	K-9	Yes	4 years of teaching <i>within 12 years</i>	21-1a; 21-2; 21-3
03	Standard Elementary	K-9	Yes	5	21-1a; 21-2; 21-3
03	Master Elementary	K-9	Yes	10	21-1a; 21-2; 21-3
04	Early Childhood	Birth-3	No	4	21-2.1
04	Initial Early Childhood	Generally Birth-Grade 3 (as endorsed)	Yes	4 years of teaching <i>within 12 years</i>	21-1a; 21-2; 21-2.1
04	Standard Early Childhood	Generally Birth-Grade 3 (as endorsed)	Yes	5	21-1a; 21-2; 21-2.1
04	Master Early Childhood	Generally Birth-Grade 3 (as endorsed)	Yes	10	21-1a; 21-2; 21-2.1

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05	Provisional Early Childhood	Birth-3	Yes	2	21-10
06	Kindergarten-Primary	K-3	No	4	
09	Standard High School	6-12*	No	4	21-5
09	Initial Secondary	6-12	Yes	4 years of teaching within 12 years	21-1a; 21-2; 21-5
09	Standard Secondary	6-12	Yes	5	21-1a; 21-2; 21-5
09	Master Secondary	6-12	Yes	10	21-1a; 21-2; 21-5
10	Standard Special	K-12 Field Endorsed	No	4	21-4
10	Initial Special K-12	K-12 Field Endorsed	Yes	4 years of teaching within 12 years	21-1a; 21-2; 21-4
10	Standard Special K-12	K-12 Field Endorsed	Yes	5	21-1a; 21-2; 21-4
10	Master Special K-12	K-12 Field Endorsed	Yes	10	21-1a; 21-2; 21-4
10	Initial Special Preschool-Age 21	Generally Birth-Age 21	Yes	4 years of teaching within 12 years	21-1a; 21-2; 21-4
10	Standard Special Preschool-Age 21	Generally Birth-Age 21	Yes	5	21-1a; 21-2; 21-4

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10	Master Special Preschool-Age 21	Generally Birth- Age 21	Yes	10	21-1a; 21-2; 21-4
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	No		(21-11 repealed)
22	Alternative Elementary	K-9	No	4	21-5b
22	Initial Alternative Elementary	K-9	Yes	4	21-5b
22	Standard Alternative Elementary	K-9	No	4	21-5b
23	Provisional Alternative Elementary	K-9	Yes	1	21-5b; 21-5c
24	Alternative Secondary	6-12	No	4	21-5b
24	Initial Alternative Secondary	6-12	Yes	4	21-5b
24	Standard Alternative Secondary	6-12	No	4	21-5b
25	Provisional Alternative Secondary	6-12	Yes	1	21-5b; 21-5c
26	Provisional Alternative Administrative	K-12	Yes	1	21-5d

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27	Provisional Alternative Special	K-12 Field Endorsed	Yes	1	21-5b; 21-5c
28	Alternative Special	K-12 Field Endorsed	No	4	
28	Initial Alternative Special	K-12 Field Endorsed	Yes	4	21-5b
29	Transitional Bilingual	K-12 Language Endorsed	Yes	6	14C-8
30	Provisional Elementary	K-9	Yes	2	21-10
31	Provisional Secondary	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
<u>34</u>	<u>Provisional Vocational</u>	<u>K-12 Field Endorsed</u>	<u>No</u>		<u>21-10</u>
34	Provisional Vocational	11-12 Field Endorsed	No Yes		21-10
<u>35</u>	<u>Provisional Vocational</u>	<u>7-12 Field Endorsed**</u>	<u>Yes</u>		<u>21-10</u>
<u>36</u> 37	Temp. Prov. Vocational	11-12 Field Endorsed***	Yes	1	21-10
<u>37</u>	<u>Temp. Prov. Vocational</u>	<u>K-12 Field Endorsed</u>	<u>No</u>	<u>1</u>	<u>21-10</u>
38	Resident Teacher	K-12	No	4	21-11.3
39	Substitute-90 days	K-12 All	Yes	4	21-9
40	Part-Time Provisional	6-12	Yes	2	21-10

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42	Life Elementary	1-8	No	Life	
43	Provisional Alternative Early Childhood	Birth-Grade 3	Yes	1	21-5b; 21-5c
44	Alternative Early Childhood	Birth-Grade 3	No	4	21-5b
44	Initial Alternative Early Childhood	Birth-Grade 3	Yes	4	21-5b
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	Visiting International Teacher – Special	K-12	Yes	3	23 Ill. Adm. Code 25.92
51	Life School Librarian	K-14 Library	No	Life	
53	Visiting International Teacher – Elementary	K-6	Yes	3	23 IAC 25.92
54	Visiting International Teacher – Early Childhood	Birth-Grade 3	Yes	3	23 IAC 25.92
59	Visiting International Teacher – Secondary	6-12	Yes	3	23 IAC 25.92
60	Ltd. Supervisory	K-14 All	*No	4	
61	All-Grade Supervisory	K-14 All	*No	4	

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62	Ltd. Elem. Supervisory	K-9 All Elementary	*No	4	
63	Ltd. H.S. Supervisory	6-12 All Secondary	*No	4	
70	Life General Supervisory	K-14 All	*No	Life	
71	Life Supervisory	K-14 All	*No	Life	
72	Temporary TMH	K-12 TMH	No	1	
73	School Service Personnel	K-12 Area of Service Endorsed	Yes	5 (beginning July 1, 2004)	21-25
74	Provisional School Service Personnel	K-12 Area of Service Endorsed	Yes	2	21-10
75	Administrative	K-12 All	*Yes	5	21-7.1
76	Provisional Administrative	K-12 All	Yes	2	21-10
77	Administrative K-12	K-12	Yes	5	21-5d
78	<u>Interim School Counselor Intern</u>	<u>K-12</u>	<u>Yes</u>	<u>3</u>	<u>23 IAC 25.227</u>
80	Resident Teacher – Special	K-12	Yes	4	21-11.3
83	Resident Teacher – Elementary	K-9	Yes	4	21-11.3
84	Resident Teacher – Early Childhood	Birth-Grade 3	Yes	4	21-11.3
89	Resident Teacher – Secondary	6-12	Yes	4	21-11.3

* If endorsed for teaching, valid for 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

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assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

** Valid in approved, reimbursable programs of career and technical education (CTE), for "skill-level" instruction in grades 11 and 12 in the field of specialization, for "orientation-level" instruction in grades 9 and 10 in the field of endorsement to which the specialization belongs, and for exploratory career and technical education courses in grades 7 and 8 in that field of endorsement.

*** Valid only in approved, reimbursable CTE programs for "skill-level" instruction in grades 11 and 12 in the field of **specialization**.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.Appendix A, Table L	Amend
310.Appendix A, Table M	Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department is amending the Pay Plan 310.Appendix A, Tables L to reflect the certification by the Illinois Department of Labor of the Boiler Safety Specialists' prevailing rates and effective dates. The central region information was certified on August 30, 2004. The southern region information was certified on September 13, 2004. The changes are only to the effective dates of the prevailing rates. There is no change to the prevailing rates.

The Department is amending the Pay Plan 310.Appendix A, Tables M to reflect provisions of the recently signed contract agreement that affect fiscal year 2005, except one. The Department will submit a peremptory amendment to include the Conservation Police Officer Trainee title upon signing of the Memorandum of Understanding with that title's pay rates. The Department will submit proposed amendments prior to the beginning of each subsequent fiscal year in the agreement to reflect the portions of the agreement that affect the particular fiscal year.

As of July 1, 2004, the State of Illinois began adhering to the Agreement between the Department of Central Management Services and the Conservation Police Lodge for RC-110. The Conservation Police Lodge Agreement was signed September 7, 2004. The Agreement includes a 2.75% increase for all rates effective January 1, 2005.

- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: September 27, 2004
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.Appendix A, Table L is amended to reflect the July 1, 2004 effective date for the central region.

Section 310.Appendix A, Table M is amended to reflect a 2.75% increase for all rates effective January 1, 2005.

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For all of the above tables, rates no longer used have been removed.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: September 27, 2004
- 10) A copy of the preemptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.110	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.130	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.530	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.540	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix B	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix C	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix D	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)
310.Appendix G	Amend	28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04)

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Ms. Dawn DeFraties
Deputy Director
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706
217/524-8773
Fax: 217/558-4497

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2004
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2004
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2004
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2004
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2004

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

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1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

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December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004, for a maximum of 150 days; preemptory amendment at 28 Ill. Reg. _____, effective September 27, 2004.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

Title	Title Code	Region	Effective Date	Monthly Salary
Boiler Safety Specialist	04910	Northern	July 1, 2003	6149.40
Boiler Safety Specialist	04910	Central	July 1, 2004 January 1, 2004	5040.78
Boiler Safety Specialist	04910	Southern	September 2, 2004 September 2, 2003	4698

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putman, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

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

(Source: Amended by peremptory rulemaking at 28 Ill. Reg. _____, effective September 27, 2004)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE M RC-110 (Conservation Police Lodge)**Effective July 1, 2004

	<u>STEPS</u>						
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>Conservation Police Officer I</u>	<u>3447</u>	<u>3612</u>	<u>3873</u>	<u>4056</u>	<u>4246</u>	<u>4447</u>	<u>4447</u>
<u>Conservation Police Officer II</u>	<u>0000</u>	<u>0000</u>	<u>3931</u>	<u>4113</u>	<u>4305</u>	<u>4505</u>	<u>4505</u>

LONGEVITY BONUS RATES

<u>Conservation Police Officer I</u>									
<u>9 Yrs</u>	<u>10 Yrs</u>	<u>12.5 Yrs</u>	<u>14 Yrs</u>	<u>15 Yrs</u>	<u>17.5 Yrs</u>	<u>20 Yrs</u>	<u>21 Yrs</u>	<u>22.5 Yrs</u>	<u>25 Yrs</u>
<u>4658</u>	<u>4883</u>	<u>5002</u>	<u>5002</u>	<u>5002</u>	<u>5002</u>	<u>5002</u>	<u>5002</u>	<u>5002</u>	<u>5002</u>
<u>Conservation Police Officer II</u>									
<u>9 Yrs</u>	<u>10 Yrs</u>	<u>12.5 Yrs</u>	<u>14 Yrs</u>	<u>15 Yrs</u>	<u>17.5 Yrs</u>	<u>20 Yrs</u>	<u>21 Yrs</u>	<u>22.5 Yrs</u>	<u>25 Yrs</u>
<u>4715</u>	<u>4940</u>	<u>5061</u>	<u>5061</u>	<u>5300</u>	<u>5548</u>	<u>5815</u>	<u>5872</u>	<u>6147</u>	<u>6438</u>

Effective January 1, 2005

	<u>STEPS</u>						
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>Conservation Police Officer I</u>	<u>3542</u>	<u>3711</u>	<u>3980</u>	<u>4168</u>	<u>4363</u>	<u>4569</u>	<u>4569</u>
<u>Conservation Police Officer II</u>	<u>0000</u>	<u>0000</u>	<u>4039</u>	<u>4226</u>	<u>4423</u>	<u>4629</u>	<u>4629</u>

LONGEVITY BONUS RATES

<u>Conservation Police Officer I</u>									
<u>9 Yrs</u>	<u>10 Yrs</u>	<u>12.5 Yrs</u>	<u>14 Yrs</u>	<u>15 Yrs</u>	<u>17.5 Yrs</u>	<u>20 Yrs</u>	<u>21 Yrs</u>	<u>22.5 Yrs</u>	<u>25 Yrs</u>
<u>4786</u>	<u>5017</u>	<u>5140</u>	<u>5140</u>	<u>5140</u>	<u>5140</u>	<u>5140</u>	<u>5140</u>	<u>5140</u>	<u>5140</u>
<u>Conservation Police Officer II</u>									
<u>9 Yrs</u>	<u>10 Yrs</u>	<u>12.5 Yrs</u>	<u>14 Yrs</u>	<u>15 Yrs</u>	<u>17.5 Yrs</u>	<u>20 Yrs</u>	<u>21 Yrs</u>	<u>22.5 Yrs</u>	<u>25 Yrs</u>
<u>4845</u>	<u>5076</u>	<u>5200</u>	<u>5200</u>	<u>5446</u>	<u>5701</u>	<u>5975</u>	<u>6033</u>	<u>6316</u>	<u>6615</u>

Effective July 1, 2000

	<u>STEPS</u>						
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>Conservation Police Officer I</u>	<u>3064</u>	<u>3211</u>	<u>3366</u>	<u>3527</u>	<u>3698</u>	<u>3876</u>	<u>3969</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

~~Effective July 1, 2003~~

	STEPS						
	1	2	3	4	5	6	7
Conservation Police Officer I	3447	3612	3873	4056	4246	4447	4447
Conservation Police Officer II	0000	0000	3931	4113	4305	4505	4505

~~LONGEVITY BONUS RATES~~

Conservation Police Officer I									
9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
4658	4883	5002	5002	5002	5002	5002	5002	5002	5002
Conservation Police Officer II									
9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
4715	4940	5061	5061	5300	5548	5815	5872	6147	6438

(Source: Amended by peremptory rulemaking at 28 Ill. Reg. _____, effective September 27, 2004)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
OCTOBER 12, 2004

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

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

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

RULEMAKINGS CURRENTLY BEFORE JCAR**PROPOSED RULEMAKINGS**Central Management Services

1. Solicitation for Charitable Payroll Deductions (80 Ill. Adm. Code 2650)
 - First Notice Published: 28 Ill. Reg. 5939 – 4/16/04
 - Expiration of Second Notice: 10/28/04

Commerce and Economic Development

2. Brownfield Site Restoration Program (35 Ill. Adm. Code 1740)
 - First Notice Published: 28 Ill. Reg. 2927 – 2/20/04
 - Expiration of Second Notice: 10/16/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
OCTOBER 12, 2004

Commerce Commission

3. Voluntary Mediation Practice (83 Ill. Adm. Code 201)
 - First Notice Published: 27 Ill. Reg. 17479 – 12/1/03
 - Expiration of Second Notice: 10/29/04
4. Standards of Service Applicable to 9-1-1 Emergency Systems (83 Ill. Adm. Code 725)
 - First Notice Published: 28 Ill. Reg. 3636 – 2/27/04
 - Expiration of Second Notice: 10/13/04

Financial and Professional Regulation

(Division of Banks and Real Estate)

5. Electronic Fund Transfers (38 Ill. Adm. Code 315)
 - First Notice Published: 28 Ill. Reg. 9804 – 7/16/04
 - Expiration of Second Notice: 10/14/04

(Division of Insurance)

6. Health Maintenance Organization (50 Ill. Adm. Code 5421)
 - First Notice Published: 28 Ill. Reg. 8392 – 6/18/04
 - Expiration of Second Notice: 10/22/04

(Division of Professional Regulation)

7. Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (Repeal) (68 Ill. Adm. Code 1240)
 - First Notice Published: 28 Ill. Reg. 9845 – 7/16/04
 - Expiration of Second Notice: 11/7/04

(Division of Professional Regulation)

8. Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)
 - First Notice Published: 28 Ill. Reg. 9886 – 7/16/04
 - Expiration of Second Notice: 11/7/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
OCTOBER 12, 2004

(Division of Professional Regulation)

9. Illinois Professional Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270)
-First Notice Published: 28 Ill. Reg. 7855 – 6/11/04
-Expiration of Second Notice: 10/30/04

Public Aid

10. Medical Assistance Programs (89 Ill. Adm. Code 120)
-First Notice Published: 28 Ill. Reg. 7592 – 6/4/04
-Expiration of Second Notice: 11/6/04
11. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 28 Ill. Reg. 5749 – 4/9/04
-Expiration of Second Notice: 11/5/04
12. Hospital Services (89 Ill. Adm. Code 148)
-First Notice Published: 28 Ill. Reg. 5808 – 4/9/04
-Expiration of Second Notice: 11/5/04

Public Health

13. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
-First Notice Published: 27 Ill. Reg. 16220 – 10/24/03
-Expiration of Second Notice: 11/5/04
14. Illinois Plumbing Code (77 Ill. Adm. Code 890)
-First Notice Published: 28 Ill. Reg. 5844 – 4/9/04
-Expiration of Second Notice: 10/16/04

Racing Board

15. Americans with Disabilities Act Grievance Procedure (4 Ill. Adm. Code 1625)
-First Notice Published: 28 Ill. Reg. 8822 – 6/25/04
-Expiration of Second Notice: 10/23/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
OCTOBER 12, 2004

16. Licensing (11 Ill. Adm. Code 502)
 - First Notice Published: 28 Ill. Reg. 9219 – 7/9/04
 - Expiration of Second Notice: 10/29/04
17. Racing Rules (11 Ill. Adm. Code 1318)
 - First Notice Published: 28 Ill. Reg. 10348 – 7/23/04
 - Expiration of Second Notice: 10/23/04

Revenue

18. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 28 Ill. Reg. 9225 – 7/9/04
 - Expiration of Second Notice: 10/21/04
19. Property Tax Code (86 Ill. Adm. Code 110)
 - First Notice Published: 28 Ill. Reg. 9237 – 7/9/04
 - Expiration of Second Notice: 10/21/04

State Employees Retirement System

20. The Administration and Operation of the State Employees Retirement System of Illinois (80 Ill. Adm. Code 1540)
 - First Notice Published: 28 Ill. Reg. 8454 – 6/18/04
 - Expiration of Second Notice: 10/13/04

State Police

21. Evidence Disposal Procedures (20 Ill. Adm. Code 1226)
 - First Notice Published: 28 Ill. Reg. 8837 – 6/25/04
 - Expiration of Second Notice: 10/13/04

Toll Highway Authority

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
OCTOBER 12, 2004

22. State Toll Highway Rules (92 Ill. Adm. Code 2520)
-First Notice Published: 28 Ill. Reg. 7590 – 6/4/04
-Expiration of Second Notice: 10/27/04

EMERGENCY RULEMAKINGSCommerce Commission

23. Employee Walkways in Railroad Yards (92 Ill. Adm. Code 1546)
-Notice Published: 28 Ill. Reg. 12722 – 9/10/04

Education

24. Certification (23 Ill. Adm. Code 25)
-Notice Published: 28 Ill. Reg. 12438 – 9/3/04

Human Services

25. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
-Notice Published: 28 Ill. Reg. 12469 – 9/3/04

Public Aid

26. Medical Assistance Programs (89 Ill. Adm. Code 120)
-Notice Published: 28 Ill. Reg. 12921 – 9/17/04

Student Assistance Commission

27. Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)
-Notice Published: 28 Ill. Reg. 12932 – 9/17/04

Transportation

28. Motor Carrier Safety Regulations: General (92 Ill. Adm. Code 390)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
OCTOBER 12, 2004

-Notice Published: 28 Ill. Reg. 12479 – 9/3/04

PEREMPTORY RULEMAKINGCentral Management Services

29. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 28 Ill. Reg. 13011 – 9/24/04

EXEMPT RULEMAKING

30. Primary Drinking Water Standards (35 Ill. Adm. Code 611)
-Proposed Date: 28 Ill. Reg. 08403 – 6/18/04
-Adopted Date: 9/10/04

AGENCY RESPONSESFinancial and Professional Regulation

(Division of Insurance)

31. Infertility Coverage (50 Ill. Adm. Code 2015; 27 Ill. Reg. 14751)

Human Services

32. Children's Mental Health Screening, Assessment and Support Services (59 Ill. Adm. Code 131; 28 Ill. Reg. 4826)
33. Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132; 28 Ill. Reg. 3954)

Racing Board

34. Medication (11 Ill. Adm. Code 603; 28 Ill. Reg. 7565)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 21, 2004 through September 27, 2004 and have been scheduled for review by the Committee at its October 12, 2004 meeting in Chicago or the November 9, 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>
11/5/04	<u>Department of Public Health</u> , Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)	10/24/03 27 Ill. Reg. 16220	10/12/04
11/5/04	<u>Department of Public Aid</u> , Medical Payment (89 Ill. Adm. Code 140)	4/9/04 28 Ill. Reg. 5749	10/12/04
11/5/04	<u>Department of Public Aid</u> , Hospital Services (89 Ill. Adm. Code 148)	4/9/04 28 Ill. Reg. 5808	10/12/04
11/6/04	<u>Department of Public Aid</u> , Medical Assistance Programs (89 Ill. Adm. Code 120)	6/4/04 28 Ill. Reg. 7592	10/12/04
11/7/04	<u>Department of Financial and Professional Regulation (Division of Professional Regulation)</u> , Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (Repeal) (68 Ill. Adm. Code 1240)	7/16/04 28 Ill. Reg. 9845	10/12/04
11/7/04	<u>Department of Financial and Professional Regulation (Division of Professional Regulation)</u> , Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (68 Ill. Adm. Code 1240)	7/16/04 28 Ill. Reg. 9886	10/12/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

11/10/04	<u>Department of State Police</u> , AMBER Alert Notification Plan (20 Ill. Adm. Code 1292)	8/6/04 28 Ill. Reg. 11077	11/9/04
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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE RESCINDED 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 Department of Financial and Professional Regulation, Division of Banks Office of Banks and Real Estate of the State of Illinois has rescinded the fine of \$500.00 against Sirva Mortgage, Inc., MB.0004037 of Mayfield Heights, Ohio, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 20, 2004. For further reference link to: <http://www.obre.state.il.us/>

EXECUTIVE ORDER

EXECUTIVE ORDER AUTHORIZING THE UTILIZATION OF METAL DETECTORS FOR THE PURPOSE OF ENHANCING SECURITY AT THE STATE CAPITOL BUILDING AND CAPITOL COMPLEX.

WHEREAS, the security of the visitors to our State Capitol Building and surrounding Capitol complex and our State workers is of utmost importance; and

WHEREAS, metal detectors are useful law enforcement tools in preventing violent attacks upon our citizens; and

WHEREAS, one of our brave security officers, William Wozniak, gave his life to protect the State Capitol Building and its occupants; and

WHEREAS, the use of a metal detector may help deter and or prevent any future deaths or injuries to visitors and employees of the State Capitol Building and Capitol Complex;

THEREFORE, I hereby authorize the following:

I. The installation and use of metal detectors for the State Capitol Building and other State buildings in the Capitol Complex.

II. SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any State or federal law.

III. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid in a court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

IV. EFFECTIVE DATE

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

ROD BLAGOJEVICH, Governor

Issued by Governor: September 21, 2004

Filed with Secretary of State: September 21, 2004

PROCLAMATIONS

2004-268**William Wozniak Memorial Day**

WHEREAS, William Wozniak, a Security Guard with the Office of the Illinois Secretary of State, was born on June 29, 1953; and

WHEREAS, William Wozniak moved from Detroit, Michigan to Springfield, Illinois because of his desire to live in a small and quiet community; and

WHEREAS, on Monday, September 20, 2004, William Wozniak was tragically shot and killed, at the age of 51, while on duty at the State Capitol. He is survived by his wife, Sheila, and his children, Mark and Megan; and

WHEREAS, family, friends, and colleagues, will always remember William as a kind and friendly man, and they join state employees and all citizens of this State, in commemorating his life; and

WHEREAS, in recognition of his dedicated service to this State, Illinois will fly flags at half-mast on Tuesday, September 21, 2004 to honor the life and achievements, and mourn the tragic passing of William Wozniak:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21, 2004 as WILLIAM WOZNIAK MEMORIAL DAY in Illinois, and order all State facilities to fly flags at half-mast for the entirety of this day.

Issued by the Governor September 21, 2004.

Filed by the Secretary of State September 21, 2004.

2004-268 (Revised)**William Wozniak Memorial Day**

WHEREAS, William Wozniak, a Security Guard with the Office of the Illinois Secretary of State, was born on June 29, 1953; and

WHEREAS, William Wozniak moved from Detroit, Michigan to Petersburg, Illinois because of his desire to live in a small and quiet community; and

WHEREAS, on Monday, September 20, 2004, William Wozniak was tragically shot and killed, at the age of 51, while on duty at the State Capitol in Springfield. He is survived by his wife, Sheila, and his children Mark and Megan; and

WHEREAS, family, friends, and colleagues, will always remember William as a kind and friendly man, and they join State employees and all citizens of this State, in commemorating his life; and

WHEREAS, in recognition of his dedicated service to this State, Illinois will fly flags at half-mast on Tuesday, September 21, 2004 to honor the life and achievements, and mourn the tragic passing of William Wozniak:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21, 2004 as WILLIAM WOZNIAK MEMORIAL DAY in Illinois, and order all State facilities to fly flags at half-mast for the entirety of this day.

Issued by the Governor September 21, 2004.

PROCLAMATIONS

Filed by the Secretary of State September 21, 2004.

2004-269**Mental Illness Awareness Week**

WHEREAS, good mental health is an essential part of a person's well-being, and therefore, it is vital that citizens are educated about mental health awareness and prevention services that are available to them; and

WHEREAS, according to the United States Surgeon General, one in five citizens in this country are affected by a mental illness. The same numbers hold true here in Illinois, where we have made adequate care for the mentally ill a priority; and

WHEREAS, there have been great strides made over the last decade to find treatments for a variety of mental illnesses. With continued funding and research, hopefully, one day we may find a cure for all mental disorders and conditions; and

WHEREAS, Mental Health Awareness Week was created to bring the subject to the forefront of society's conscious. Creating awareness and providing education for the public can only increase their understanding of mental illness, and help prepare them to deal with those issues in their own lives and in the lives of their loved ones:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2004 as MENTAL ILLNESS AWARENESS WEEK in Illinois, and encourage all citizens to continue their efforts to spread the word about mental illnesses in this state, and across the country.

Issued by the Governor September 21, 2004.

Filed by the Secretary of State September 21, 2004.

2004-270**Italian Heritage Month and Christopher Columbus Day**

WHEREAS, according to the 2000 U.S. Census, there are over 15 million Italian-Americans living in the United States today. In Illinois alone, there are 744,274 Italian-Americans, making it the seventh most Italian-American populated state in the country; and

WHEREAS, Italian culture has impacted America in tremendous ways. In multiple aspects of American culture, from science to the arts, Italian influences can clearly be seen across the country; and

WHEREAS, the most notable Italian contribution to America came in 1492, when Italian explorer, Christopher Columbus boldly ventured into uncharted territory to discover North America, establishing the beginnings of the "New World;" and

WHEREAS, Italian-American Heritage Month was originally proclaimed by President Jimmy Carter in 1976. Since then, October of each year has been designated the official month to recognize Italian-American heritage; and

WHEREAS, on the second Monday in October, the nation celebrates Columbus' important discovery. Every year since 1952, the Joint Civic Committee of Italian Americans has

PROCLAMATIONS

hosted a Columbus Day Parade in the city of Chicago, and that tradition will continue here in 2004:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as ITALIAN HERITAGE MONTH and October 11, 2004 as CHRISTOPHER COLUMBUS DAY in Illinois, and encourage all citizens to appreciate the diversity that the Italian community brings to our state.

Issued by the Governor September 21, 2004.

Filed by the Secretary of State September 21, 2004.

2004-271**Hispanic/Latino Mental Health Awareness Week**

WHEREAS, in 1992, Hispanic/Latino Mental Health Awareness Week was established in an effort to educate Hispanic communities about good mental health; and

WHEREAS, this awareness campaign focuses on increasing knowledge of mental health issues, and educating the Hispanic/Latino community about mental and emotional disorders; and

WHEREAS, promoting awareness of mental health wellness and prevention services to the Hispanic/Latino community may help to erase some of the stigma that prevails regarding these issues. Currently, many Hispanics and Latinos that do not seek mental health care because they do not feel it is socially accepted to do so; and

WHEREAS, the Latino Family Institute will hold a conference in Oak Lawn from October 3-9, 2004 to discuss issues of domestic violence, substance abuse, child and adolescent issues, and adult psychiatric disorders with educators and health professionals. This conference will serve to educate all attendees about these various topics, and how they impact the Latino community:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2004 as HISPANIC/LATINO MENTAL HEALTH AWARENESS WEEK in Illinois, and encourage all citizens to educate themselves about mental health wellness.

Issued by the Governor September 21, 2004.

Filed by the Secretary of State September 21, 2004.

2004-272**Breast Cancer Awareness Month and Mammography Day**

WHEREAS, breast cancer is the second most common type of cancer and the second leading cause of cancer death in women; and

WHEREAS, in 2004, approximately 216,000 women will be diagnosed with breast cancer in the United States, and 40,000 of them will likely die from the disease; and

WHEREAS, the direct cause of breast cancer is unknown, however certain risk factors are linked to the disease. For instance, a woman with a family history of breast cancer is twice as likely to get the disease than someone with no family history; and

PROCLAMATIONS

WHEREAS, the earlier breast cancer is detected, the chances for remission become greater. Mammograms are recognized as the single most effective method of detection because of their ability to identify cancerous cells long before symptoms surface. Therefore, women who have mammograms annually have a greater chance of discovering breast cancer in its early stages; and

WHEREAS, in order to provide more screenings and educational outreach services, my administration has pledged to increase funding for breast and cervical cancer in Illinois. In the 2005 budget, State funding for this research will increase by \$2 million dollars, allowing 3,000 more women to receive the prevention and treatment services that they desperately need; and

WHEREAS, National Breast Cancer Awareness Month has been observed by America for twenty years. Over the last two decades, a multitude of programs have been started in conjunction with this month to provide education and public awareness to all Americans; and

WHEREAS, since 1993, the United States has recognized the third Friday in October as Mammography Day:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois do hereby proclaim October 2004 as BREAST CANCER AWARENESS MONTH and October 15, 2004 as MAMMOGRAPHY DAY in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

Issued by the Governor September 21, 2004.

Filed by the Secretary of State September 21, 2004.

2004-273**Deaf Awareness Day**

WHEREAS, according to the U.S. Census Bureau, there are approximately 500,000 persons in Illinois that are of working age, who currently suffer from hearing loss; and

WHEREAS, of those who have hearing loss, many who wish to work are not afforded that opportunity. Approximately 200,000 people with hearing loss are unemployed and an e

WHEREAS, the Department of Human Services' Division of Rehabilitation Services (DRS) works to provide individuals with hearing problems with the tools necessary to find quality employment. Last year alone, they were able to help more than 8,000 citizens in that goal; and

WHEREAS, DRS will work in conjunction with other agencies to host the Employment Opportunities Expo. Here, forty-eight exhibitors will showcase services that are offered to hearing impaired individuals, as well as host workshops in interviewing and resume writing:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 29, 2004 as DEAF AWARENESS DAY in Illinois, and encourage citizens to continue to work toward their goals with dedication and enthusiasm.

Issued by the Governor September 21, 2004.

Filed by the Secretary of State September 21, 2004.

2004-274

PROCLAMATIONS

John Huston Finley Commemorative Day

WHEREAS, John Huston Finley was born on a farm east of Grand Ridge, Illinois and attended Grand Ridge Elementary School. He later graduated from Ottawa High School in 1882 as the valedictorian of his class; and

WHEREAS, in 1887, Mr. Finley earned his undergraduate degree at Knox College in Galesburg, Illinois, attended graduate school at Johns Hopkins University, and then returned to Knox College where he served as its President until 1899; and

WHEREAS, in 1900, Mr. Finley accepted the newly established position of Chair of Politics at Princeton University. He later became President of the City College of New York, and in 1913, he was appointed Commissioner of Education for New York State; and

WHEREAS, Mr. Finley was named associate editor for the New York Times in 1921, and in 1937, he became editor-in-chief of the esteemed publication; and

WHEREAS, along with the various positions that he held throughout this life and career, he also had many outside accomplishments, including heading a Red Cross delegation to Palestine in 1918-1919, speaking and presenting at various colleges in America and abroad, writing pieces that were published in various journals of the day, and penning eight books, including "Pilgrimage in Palestine" and "The French in the Heart of America." Mr. Finley was also the recipient of 32 honorary degrees; and

WHEREAS, John Huston Finley died in 1940 and is buried at Princeton Cemetery in New Jersey. On October 15, 2004, Grand Ridge Elementary School, where Mr. Finley once attended, will unveil a historical marker in the school's courtyard to honor the life and achievements of this native Illinoisan:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15, 2004 as JOHN HUSTON FINLEY COMMEMORATIVE DAY in Illinois, and encourage citizens to learn more about this widely accomplished individual from Illinois' past. Issued by the Governor September 21, 2004.

Filed by the Secretary of State September 21, 2004.

2004-275**National Disability Employment Awareness Month**

WHEREAS, National Disability Employment Awareness Month began in 1945 by President Harry S. Truman as "National Employ the Physically Handicapped Week." In 1988, Congress expanded the week to a month and renamed it National Disability Employment Awareness Month; and

WHEREAS, Illinoisans with disabilities have an unemployment rate of nearly 70 percent, even though 7 out of 10 unemployed working-age citizens with disabilities indicate that they would prefer to work. Even so, there are numerous tax incentives for Illinois employers to hire and provide accommodations to qualified workers with disabilities; and

WHEREAS, most citizens with disabilities live in poverty at a rate roughly three times the State average; and

PROCLAMATIONS

WHEREAS, people with disabilities are dedicated, skilled employees who are a positive influence in the workforce; and

WHEREAS, the Illinois Department of Human Services' Division of Rehabilitation Services (DRS) helped more than 8,000 individuals find quality employment last year alone. They also helped increase the average earnings of successfully employed customers, reduce the time it takes to achieve employment, and expand vocational services to customers with the most significant disabilities; and

WHEREAS, the Department has a goal of increasing the earnings and insurance benefits available to employed persons with disabilities, as well as promoting full time employment and reduced reliance on government benefits; and

WHEREAS, DRS will be holding numerous statewide events to promote the employment of citizens with disabilities and to thank employers who have excelled in employing workers with disabilities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH in Illinois, and encourage everyone to challenge themselves in an effort to reach their goals. Issued by the Governor September 15, 2004.

Filed by the Secretary of State September 27, 2004.

ILLINOIS ADMINISTRATIVE CODE

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