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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.100	Amendment
310.280	Amendment
310.470	Amendment
310.490	Amendment
310.495	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) A Complete Description of the Subjects and Issues Involved: Section 310.100 Other Pay Provisions subsection (b) Entrance Salary is amended to specify the process used to establish an entrance base salary when the candidate meets or exceeds the minimum requirements of the position classification. Subsection (b)(3) does not apply to the entrance base salary so is properly placed in a subsection and the remaining subsections are re-numbered.

Section 310.280 Designated Rate is amended to define designated rate, how the designated rate is established or changed, the approval process, and when a newly approved designated rate is paid by the agency to the employee.

Section 310.470 Adjustment is amended because all adjustments require Governor's Office approval.

Section 310.490 Other Pay Provisions subsection (b) Entrance Salary is amended to specify the process used to establish an entrance base salary when the candidate meets or exceeds the minimum requirements of the position classification. Subsection (b)(3) does not apply to the entrance base salary so is properly placed in a subsection and the remaining subsections are re-numbered. Subsection (i) of Section 310.490 has the effective date removed.

Section 310.495 Broad-Band Pay Range Classes subsection (b) is amended to specify the process used to establish an entrance base salary when the candidate meets and exceeds the minimum requirements of the position classification. Section 310.495 subsection (c) is also amended by clarifying when the salary adjustment involves additional duties and responsibilities, and when it requires prior approval.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 6) Will these proposed amendments replace any emergency amendments 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>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.50	Amendment	30 Ill. Reg. 231; 1/13/06
310.80	Amendment	30 Ill. Reg. 231; 1/13/06
310.90	Amendment	30 Ill. Reg. 231; 1/13/06
310.100	Amendment	30 Ill. Reg. 231; 1/13/06
310.230	Amendment	30 Ill. Reg. 231; 1/13/06
310.240	Amendment	30 Ill. Reg. 231; 1/13/06
310.260	Amendment	30 Ill. Reg. 231; 1/13/06
310.280	Amendment	30 Ill. Reg. 231; 1/13/06
310.290	Amendment	30 Ill. Reg. 231; 1/13/06
310.460	Amendment	30 Ill. Reg. 231; 1/13/06
310.470	Amendment	30 Ill. Reg. 231; 1/13/06
310.480	Amendment	30 Ill. Reg. 231; 1/13/06
310.490	Amendment	30 Ill. Reg. 231; 1/13/06
310.500	Amendment	30 Ill. Reg. 231; 1/13/06
310.Appendix A Table L	Amendment	30 Ill. Reg. 231; 1/13/06
310.Appendix A Table T	Amendment	30 Ill. Reg. 231; 1/13/06
310.Appendix A Table U	Amendment	30 Ill. Reg. 231; 1/13/06
310.Appendix B	Amendment	30 Ill. Reg. 231; 1/13/06
310.Appendix C	Amendment	30 Ill. Reg. 231; 1/13/06
310.Appendix D	Amendment	30 Ill. Reg. 231; 1/13/06
310.Appendix G	Amendment	30 Ill. Reg. 231; 1/13/06
310.280	Amendment	30 Ill. Reg. 1937; 2/17/06
310.490	Amendment	30 Ill. Reg. 1937; 2/17/06
310.Appendix A Table D	Amendment	30 Ill. Reg. 1937; 2/17/06
310.Appendix A Table E	Amendment	30 Ill. Reg. 1937; 2/17/06
310.Appendix A Table F	Amendment	30 Ill. Reg. 1937; 2/17/06
310.Appendix A Table W	Amendment	30 Ill. Reg. 1937; 2/17/06
310.Appendix A Table AA	Amendment	30 Ill. Reg. 1937; 2/17/06
310.30	Amendment	30 Ill. Reg. 4215; 3/17/06

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

310.45	New Section	30 Ill. Reg. 4215; 3/17/06
310.50	Amendment	30 Ill. Reg. 4215; 3/17/06
310.80	Amendment	30 Ill. Reg. 4215; 3/17/06
310.100	Amendment	30 Ill. Reg. 4215; 3/17/06
310.110	Amendment	30 Ill. Reg. 4215; 3/17/06
310.130	Amendment	30 Ill. Reg. 4215; 3/17/06
310.220	Amendment	30 Ill. Reg. 4215; 3/17/06
310.280	Amendment	30 Ill. Reg. 4215; 3/17/06
310.290	Amendment	30 Ill. Reg. 4215; 3/17/06
310.420	Amendment	30 Ill. Reg. 4215; 3/17/06
310.450	Repeal	30 Ill. Reg. 4215; 3/17/06
310.455	Repeal	30 Ill. Reg. 4215; 3/17/06
310.490	Amendment	30 Ill. Reg. 4215; 3/17/06
310.500	Amendment	30 Ill. Reg. 4215; 3/17/06
310.530	Amendment	30 Ill. Reg. 4215; 3/17/06
310.540	Repeal	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table D	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table E	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table F	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table G	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table H	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table I	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table J	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table K	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table L	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table M	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table N	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table O	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table P	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table Q	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table R	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table T	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table U	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table V	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table W	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table X	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table Y	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table Z	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix A Table AA	Amendment	30 Ill. Reg. 4215; 3/17/06
310.Appendix B	Amendment	30 Ill. Reg. 4215; 3/17/06

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- |                |           |                            |
|----------------|-----------|----------------------------|
| 310.Appendix C | Amendment | 30 Ill. Reg. 4215; 3/17/06 |
| 310.Appendix D | Amendment | 30 Ill. Reg. 4215; 3/17/06 |
| 310.Appendix G | Amendment | 30 Ill. Reg. 4215; 3/17/06 |
- 10) 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.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Mr. Jason Doggett  
Acting Manager  
Compensation Section  
Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706
- 217/782-7964  
Fax: 217/524-4570
- 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: No
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED 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 2006
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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 (Repealed)
- 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 2006
- 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)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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 2006
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2006
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2006
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 2006

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;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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; peremptory 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; peremptory 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; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory 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; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory 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; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory 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; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory 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; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory 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; peremptory amendment at 12 Ill. Reg. 13306, effective July 27,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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,

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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. 2684, 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; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective

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August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: NARRATIVE

**Section 310.100 Other Pay Provisions**

- a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.
- b) Entrance Base Salary –
  - 1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specificationNormally, upon ~~original~~ entry to State service, an employee's entrance base salary is the minimum base salary will be at Step 1e of the pay grade.
  - 2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor

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market influences on the recruitment for the position classification or position.

- ~~A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.~~
- ~~B) Qualifications above the minimum requirements shall be documented to support an entrance salary higher than Step 1c. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.~~

32) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

~~3) Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.~~

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

de) Differential and Overtime Pay – An eligible employee may have an amount added to his/her base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

- 1) Shift Differential Pay – An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner

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and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 2) Overtime Pay –
  - A) Eligibility – The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.
  - B) Compensatory Time – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.
- 3) Incentive Pay – An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

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- 4) Extra Duty Pay – An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

| **ed)** Equivalent Earned Time –

- 1) Eligibility – Employees who are non-union, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of 40 actual work hours in a work week.
- 2) Accrual –
  - A) Employees who are eligible for equivalent earned time shall request that time before working in excess of 40 actual work hours in a work week. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 120 hours in any fiscal year.
  - B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.
- 3) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. This time may not be carried over from one fiscal year to another fiscal year. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

| **fe)** Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.

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**gf)** Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

**hg)** Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

**ih)** Salary Treatment Upon Return From Leave – An employee returning from Administrative Leave (80 Ill. Adm. Code 302.795), Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Educational Leave (80 Ill. Adm. Code 302.215), or Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) will be placed on the step that reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former pay grade from any other leave of over 14 days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

**ji)** Salary Treatment Upon Reemployment –

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- 1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

**kj)** Reinstatement – The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

**lk)** Extended Service Payment –

- 1) The Step 8 rate shall be increased by \$25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. (Effective July 1, 2003, this increase is suspended for non-union positions and employees.)
- 2) The Step 8 rate shall be increased by \$50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade. (Effective July 1, 2003, this increase is suspended for non-union positions and employees.)

**ml)** Bi-lingual Pay – Individual positions whose job descriptions require the use of sign language, a second language or Braille shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART B: SCHEDULE OF RATES

**Section 310.280 Designated Rate**

- a) Requirements – The rate of pay for a specific position or class of positions excluded from the other requirements of this Pay Plan shall be only as designated by the Governor. A designated rate is the fixed rate of pay assigned usually to one position within a position classification. The fixed rate is above the maximum of the pay grade or salary range assigned to the position classification. The fixed rate is the value the employing agency determines for the uniquely combined position and employee or the candidate recruited to be the employee. A designated rate may be assigned to a position classification and, therefore, all positions within the position classification. The establishment of or change to a designated rate requires a request from the head of the employing agency to the Director of Central Management Services.
- b) Request from the Head of the Employing Agency – The request from the employing agency head shall explain the unique nature of the employee’s education and experience combined with the position’s scope, responsibility, and reporting that warrant the requested designated rate, how the requested designated rate was determined, and the requested effective date. The employing agency shall attach to the request the current position description (CMS-104) and the candidate's or employee’s current State employment or promotional employment application (CMS-100 or CMS-100B).
- c) Review and Approval – The Director of Central Management Services shall review the requested designated rate by comparing the value given to other positions and employees in the employing agency, the State, and other states when available. Following the review, the Director of Central Management Services shall seek the Governor’s approval for the designated rate and its effective date.
- d) Employee Payment – When the rate is approved, this Section shall be amended to include the approved designated rate. Once amended, the employing agency shall pay the employee the designated rate retroactively to the effective date approved by the Governor.
- e) Annual Designated Rates by Employing Agency –

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Private Secretary II (Pos. No. 34202-42-00-000-01-02)	<u>Annual Salary</u> 60,000
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Department of Healthcare and Family Services

Senior Public Service Administrator (Pos. No. 40070-33-20-000-00-61)	<u>Annual Salary</u> 123,060
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Department of Human Services

Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<u>Annual Salary</u> 55,200
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Medical Administrator V (Pos. No. 26406-10-76-000-00-01)	<u>Annual Salary</u> 186,000
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Department of Public Health

Senior Public Service Administrator (Pos. No. 40070-20-80-000-00-81)	<u>Annual Salary</u> 134,004
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(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: MERIT COMPENSATION SYSTEM

**Section 310.470 Adjustment**

An employee may receive an upward adjustment in base salary for the purpose of correcting a previous error or oversight or, when the best interests of the agency and the State of Illinois will be served. Such adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. A salary adjustment of over 3% (unless that results in \$175 per month or less) will create a new creditable service date ~~and require approval of the Governor's Office.~~

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 310.490 Other Pay Provisions**

- a) Transfer – Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.
- b) Entrance Base Salary –
- 1) When a candidate only meets the minimum requirements of the class specification, Normally upon entry to State service, an employee's entrance base salary is will be at the minimum base salary of the salary range.
- 2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.
- A) ~~If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Qualifications above the minimum requirements shall be documented to support an entrance salary higher than the minimum.~~
- B) ~~An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on~~

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~~consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.~~

32) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.

~~3) Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.~~

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

de) Differential and Overtime Pay – An eligible employee may have an amount added to the base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay – An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay –

A) Eligibility – The Director of Central Management Services shall maintain a listing of classes of positions subject to the provisions

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of the Merit Compensation System that are eligible for overtime compensation. Classes in salary ranges MC 6 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services or federal guidelines. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. Classes in MC 7 and above are not eligible for overtime unless required by federal regulation or approved by the Director of Central Management Services. Exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

- B) Compensatory Time – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

ed) Equivalent Earned Time –

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- 1) Eligibility – Employees who are non-union, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of 40 actual work hours in a work week.
  - 2) Accrual –
    - A) Employees who are eligible for equivalent earned time shall request that time before working in excess of 40 actual work hours in a work week. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 120 hours in any fiscal year.
    - B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.
  - 3) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. This time may not be carried over from one fiscal year to another fiscal year. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.
- | **fe)** Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis computed by dividing the annual rate of salary by the total number of work days in the year.
- | **gf)** Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.
- | **hg)** Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not

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separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a).

AGENCY NOTE: The method to be used in computing lump sum payment for accrued vacation, sick leave and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

- | **ih)** Salary Treatment upon Return from Leave – An employee returning from Military Leave, Peace Corps Leave, Service-Connected Disability Leave, Administrative Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, Education Leave, or Leave to serve in domestic peace or job corps will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained. An employee returning to his/her former salary range from any other leave of over 14 days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.
- | **ij)** Employees in classes that are made subject to the Merit Compensation System after July 1, 1979 will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.
- | **ik)** Extra Duty Pay – An employee may be paid an amount in addition to the base salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- | **il)** Salary Treatment Upon Reemployment –

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- 1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

**m)** Reinstatement – The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

**nn)** Bilingual Pay – Individual positions whose job descriptions require the use of sign language, a second language, or Braille shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.

**oo)** Clothing or Equipment Allowance – An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment that is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 310.495 Broad-Band Pay Range Classes**

Broad-band pay range classes shall be covered by all provisions of the Merit Compensation

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System except for the provisions identified in the following subsections:

- a) Salary Range – The salary range for broad-band classes shall be as set out in Appendix G.
- b) Entrance ~~Base Salary-Salaries – The Director or chairman of the Department, Board or Commission shall review the education, training and experience of an employee to be placed in the broad-band class and determine the employee's initial rate of pay.~~
  - 1) When a candidate only meets the minimum requirements of the class specification, upon entry to State service, an employee's entrance base salary is the minimum base salary of the salary range.
  - ~~2) A report of the resultant rate of pay shall be provided to the Director of the Department of Central Management Services on the form provided for that purpose.~~
  - ~~24) The salary assigned an employee shall take into account the duties, education, training and experience of the employee to assure reasonable pay equity among employees in the same class.~~
  - 3) If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position. An entrance salary should not provide more than a 10% increase over the candidate's prior salary without the prior approval of the Director of the Department of Central Management Services.
- c) Salary Adjustment for Additional Duties and Responsibilities – An upward salary

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adjustment that is not more than 10% above the employee's current base salary in a broad-band position classification ~~Salary adjustments for positions in broad-band classes~~ may be made by the employing agency where the employee has been given substantial additional duties and responsibilities but will remain in the same classification. An upward salary adjustment for substantial additional duties and responsibilities that is more than 10% above the employee's ~~increase of between 5% and 10% of~~ current base salary may be given where the substantial additional duties and responsibilities are documented on an updated position ~~job~~ description (CMS-104) and are reflected on the organization chart, and where the employing agency received the required prior approval from the Director of Central Management Services.

- d) Movement between Salary Systems – Salary treatment on movement of an employee between one position in the broad-band class series and another position outside of the broad-band class series will be as recommended by the employing agency and approved by the Director of the Department of Central Management Services.
- e) Salary Treatment upon Initial Placement of Positions in Other Occupational Broad-Band Classes – For the purpose of establishing salary treatment upon initial placement of positions, it is necessary to determine the "lowest corresponding Merit Compensation grade." The Merit Compensation range with a minimum salary closest to, but not lower than, that of the broad-band range minimum is known as the "lowest corresponding Merit Compensation grade."
- 1) The incumbent of a position with a current salary range maximum equal to or greater than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with no change in salary.
  - 2) The incumbent of a position with a current salary range maximum less than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with a 5% increase in current base salary. However, in no event shall the resulting salary be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed unless an increase of 10% or greater is provided to move the employee to the minimum of the new range.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Joint Rules of the Office of the State Fire Marshal and the Illinois State Board of Education: School Emergency and Crisis Response Plans
- 2) Code Citation: 29 Ill. Adm. Code 1500
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1500.10	New Section
1500.20	New Section
1500.30	New Section
- 4) Statutory Authority: 105 ILCS 128/40
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to P.A. 94-600, which was enacted in 2005 and created the School Safety Drill Act. That Act mandates the conduct of school evacuation drills, bus evacuation drills, and severe weather and shelter-in place drills in public and nonpublic schools and also strongly encourages the conduct of law enforcement drills. The law states the situations each of these types of drills is to address; establishes requirements for the minimum number of drills of each type; and calls for the involvement of fire departments in school evacuation drills.

Further, an annual review will now be required of "each school district's emergency and crisis response plans, protocols, and procedures and each building's compliance with the school safety drill programs". Participation in this review will be required by school principals, representatives of other education-related organizations, and local "first responder" organizations (i.e., fire departments, law enforcement, and emergency medical services entities). A report summarizing the results of the review must be prepared, including changes to existing safety plans and drill plans. Those participating have the opportunity to provide additional comments to the regional superintendent of schools for the area. The regional superintendents are to provide annual reports to ISBE, which in turn is to report to the Governor and the Office of the State Fire Marshal (OSFM). (Reports of reviews done in nonpublic schools are provided directly to OSFM.)

The legislation also directs ISBE and OSFM to develop a common set of rules for its implementation. Because the law is explicit as to the number and nature of the required drills, the need for rulemaking is confined to two aspects:

- determining what will be accepted as constituting the "effective" review of plans that local boards are required to conduct; and
- outlining the fundamental objectives that are shared by the various types of drills.

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- 6) Will this rulemaking replace any emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? The rulemaking does contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act; please see Section 1500.20(a)(2).
- 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. (The School Safety Drill Act is an exempt mandate pursuant to Section 8.29 of the State Mandates Act.)
- 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:

John Fennell, Jr.  
General Counsel  
Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, Illinois 62703

(217) 785-4144

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006 (by ISBE)

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

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## TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE

## CHAPTER II: OTHER STATE AGENCIES

SUBCHAPTER a: JOINT RULES OF THE STATE BOARD OF EDUCATION AND THE  
OFFICE OF THE STATE FIRE MARSHAL

## PART 1500

JOINT RULES OF THE OFFICE OF THE STATE FIRE MARSHAL AND THE ILLINOIS  
STATE BOARD OF EDUCATION: SCHOOL EMERGENCY AND CRISIS RESPONSE  
PLANS

## Section

1500.10	Purpose
1500.20	Annual Review of Emergency and Crisis Response Plans
1500.30	Objectives of Drills

AUTHORITY: Implementing the School Safety Drill Act [105 ILCS 128] and authorized by Section 40 of the Act [105 ILCS 128/40].

SOURCE: Adopted at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1500.10 Purpose**

This Part establishes the requirements for the annual review and updating of the protocols and procedures in each school's emergency and crisis response plan that is required by Section 25 of the School Safety Drill Act [105 ILCS 128/25], including the review of each school's compliance with the school safety drill requirements established in Section 15 of the Act [105 ILCS 128/15].

**Section 1500.20 Annual Review of Emergency and Crisis Response Plans**

Each annual review shall be conducted by the participants identified in Section 25 of the Act and shall encompass the components of the plan enumerated in this Section. The report submitted pursuant to Section 25 of the Act shall indicate whether each component listed in this Section is present and up to date and shall describe the revisions, if any, that are needed in each. If any component is deemed inapplicable by the review participants, the report shall include the rationale for this determination.

- a) Overview of Planned Responses

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- 1) The description of the responses planned (i.e., what should happen, when, and at whose direction) to address various emergencies or crises, including:
  - A) *school evacuation responses planned for situations in which conditions outside of a school building are safer than inside*, such as fire, discovery of suspicious items, or incidents involving hazardous materials;
  - B) *bus evacuation responses planned for situations when conditions outside of a school bus are safer than inside*, such as fire, discovery of suspicious items, or incidents involving hazardous materials;
  - C) *severe weather and shelter-in-place responses* planned for situations when conditions inside a school building are safer than outside, such as severe weather, the release of gas or chemicals, or the threat of mass destruction; and
  - D) *law enforcement responses planned for situations when conditions call for a reverse-evacuation or lockdown and the involvement of law enforcement personnel*, such as shooting incidents, bomb threats, or the presence of suspicious persons. (Section 15 of the Act)
- 2) The definition and assignment of roles and responsibilities, with specific reference to the chain of command, designated back-up for each role, and other critical functions (whether by reliance on the Incident Command System outlined in "National Incident Management System" of March 1, 2004, published by the U.S. Department of Homeland Security and posted at [http://www.fema.gov/pdf/nims/nims\\_doc\\_full.pdf](http://www.fema.gov/pdf/nims/nims_doc_full.pdf). or by implementation of other strategies and methods having the same goals), including:
  - A) responsibilities of individuals who discover an emergency or crisis;
  - B) response leadership;
  - C) monitors who will ensure the proper execution of the planned response;

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- D) responsibility for communicating with first responders, building occupants, families, representatives of the media, and other members of the community;
  - E) responsibility for maintaining emergency-related records.
- 3) The inventory of resources that are available when responding to emergencies, including:
- A) emergency contact lists;
  - B) methods for accounting for the whereabouts and status of all children and the process established for releasing students into the care of their parents and others;
  - C) response guidance material and the method of providing it to students and staff, including support personnel such as bus drivers, secretaries, and custodians;
  - D) emergency supplies and equipment (such as first aid kits, food, water, emergency lighting, fuel, battery-operated radio, and walkie-talkies), maintained for students and staff to use during an emergency or crisis; and
  - E) information that exists about the school, such as hazard analyses, area maps, site plans, safety reference plans (see 23 Ill. Adm. Code 180.120), community agreements, etc.
- b) Training and preparedness: The description of actions taken to ensure that all administrators, staff, and students understand the warning signals and know what to do in an emergency, including but not limited to the objectives and results of the types of school safety drills conducted in conformance with Sections 15 and 20 of the Act, including:
- 1) school evacuation drills;
  - 2) bus evacuation drills;
  - 3) severe weather shelter-in-place drills; and

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- 4) law enforcement drills, if any.

**Section 1500.30 Objectives of Drills**

Each drill conducted pursuant to the Act shall be designed to fulfill the objectives discussed in this Section.

- a) **Notification and Response**  
To ensure that all students, staff members, first responders, and visitors, both inside and outside the school building, are alerted to the fact that an emergency exists; receive adequate instructions on how to proceed, including supplemental instructions from first responders; and respond appropriately to the directions given. (Each drill is to test whether the notification system and those operating it are prepared to provide emergency notification and appropriate direction to everyone on the property, based on the emergency conditions that exist, and whether those present respond accordingly.)
- b) **Movement to Safe Areas**
  - 1) When evacuation is called for, to ensure that evacuation of the building and adjacent areas is complete; that alternate exit routes are used if primary routes are obstructed; and that individuals with physical impairments reach safe areas. (Each drill is to test whether and how quickly a building's occupants vacate it in an orderly and safe manner, regardless of any obstructions encountered, and whether staff is prepared to provide assistance effectively to those who are unable to evacuate on their own.)
  - 2) When sheltering in place is called for, to ensure that all the building's occupants reach designated safe areas in a reasonable amount of time. (Each drill is to test whether students are prepared to respond without hesitation to instructions.)
- c) **Communication with First Responders**  
To ensure that the system for communicating with responding agencies provides timely and complete information about the nature, scope, and current status of the emergency situation and about the status of all the building's occupants, whether evacuated or sheltering in place. (Each drill is to test the ability of students and

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staff to provide necessary information to first responders in an emergency of the type to which the drill applies.)

- d) **Accounting for All Occupants**  
To ensure that designated areas for assembling are appropriate to the type of incident to which the drill applies; that they are used by all students, staff, and visitors; and that the controls in place permit accounting for all the building's occupants. (Each drill is to test the preparedness of students and staff to remain in the areas where they have been directed to assemble; the confidence with which the building's occupants can be accounted for; and the reliability of determining whether any search or rescue activity is necessary.)

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- 1) Heading of the Part: Respiratory Care Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1456
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1456.09	New Section
1456.10	Amendment
1456.20	Amendment
1456.30	Amendment
1456.40	Amendment
1456.50	Amendment
1456.60	Amendment
1456.70	Amendment
1456.75	Amendment
1456.80	Amendment
1456.90	Amendment
1456.100	Amendment
1456.110	Amendment
1456.120	Amendment
- 4) Statutory Authority: Respiratory Care Practice Act [225 ILCS 106]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 94-523 allowed for individuals to make application under the grandfather provisions until December 31, 2006. Section 1456.09 sets the qualifications for individuals who wish to apply under this provision. Additional non-substantive changes were made to the entire Part by changing references from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 6) Will this rulemaking replace any emergency rules 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? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

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

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

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing respiratory care services.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Respiratory care skills are required for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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## TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1456

## RESPIRATORY CARE PRACTICE ACT

## Section

1456.05	Application for Licensure as a Respiratory Care Practitioner Under Section 50(b) of the Act (Grandfather) (Repealed)
<u>1456.09</u>	<u>Requirements for Licensure Under Section 50(b) of the Act (Grandfather)</u>
1456.10	Definitions
1456.20	Approved Respiratory Care Training Program
1456.30	Application for Licensure on the Basis of Examination
1456.40	Application for Licensure for Graduates from a Nonapproved Program
1456.50	Examination
1456.60	Endorsement
1456.70	Renewals
1456.75	Fees
1456.80	Inactive Status
1456.90	Restoration
1456.100	Unprofessional Conduct
1456.110	Continuing Education
1456.120	Granting Variances

AUTHORITY: Implementing the Respiratory Care Practice Act [225 ILCS 106] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency rule at 21 Ill. Reg. 3730, effective March 11, 1997, for a maximum of 150 days; emergency expired August 7, 1997; adopted at 21 Ill. Reg. 11751, effective August 11, 1997; amended at 22 Ill. Reg. 16508, effective September 3, 1998; amended at 24 Ill. Reg. 606, effective December 31, 1999; amended at 25 Ill. Reg. 14394, effective October 23, 2001; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1456.09 Requirements for Licensure Under Section 50(b) of the Act (Grandfather)**

- a) Any person seeking a license under Section 50 (b) of the Respiratory Care Practice Act (the Act) shall file an application with the Division, on forms provided by the Division. The application shall be postmarked no later than December 31, 2006, and shall include the following:

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- 1) Verification of experience as a respiratory care practitioner as defined in Section 10 of the Act for at least 3 years, with a minimum of 400 hours per year, during the 5 years preceding December 31, 2005 in all aspects of Respiratory Care as defined by the Act. Experience must be obtained under the supervision of a certified or licensed respiratory therapist, registered nurse or a licensed health care professional as defined by Section 50 of the Act;
- 2) Certification of experience, on forms provided by the Division, signed by a certified respiratory therapist, licensed registered nurse or a licensed health care professional as defined by Section 50 of the Act;
- 3) Certification, on forms provided by the Division, from a jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:
  - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
  - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
- 4) The required fee set forth in Section 1456.75 of this Part.
- b) When the accuracy of any submitted documentation or experience is questioned by the Division because of lack of information, discrepancies or conflicts in the information given or a need for clarification, the applicant seeking licensure shall be requested to:
  - 1) Provide information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.10 Definitions**

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"Act" means the Respiratory Care Practice Act.

"Board" means the Respiratory Care Board.

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

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

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

"Respiratory care practitioner" means a person who is licensed by the Division~~Department~~ and meets all of the following criteria:

*the person is engaged in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care.*

*the person is capable of serving as a resource to the licensed physician in relation to the technical aspects of cardiorespiratory care and the safe and effective methods for administering cardiorespiratory care modalities.*

*the person is able to function in situations of unsupervised patient contact requiring great individual judgment.*

*the person is capable of supervising, directing, or teaching less skilled personnel in the provision of respiratory care services (Section 10 of the Respiratory Care Practice Act [225 ILCS 106/10]).*

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

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.20 Approved Respiratory Care Training Program**

- a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division~~the Department~~) shall, upon the recommendation of the Respiratory Care Board (the Board), approve a respiratory care program if it meets the criteria set forth in this Section. The institution:

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- 1) Is regionally accredited or legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree or certificate;
- 2) Has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the students are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees or experience in their ~~areas~~area(s) of teaching from professional colleges or institutions;
- 3) Has a program director, clinical coordinator and medical director; and
- 4) Has 62 semester hours or the equivalent of a 12 month course of study which includes, but not limited to, all of the following curriculum/subject areas with structured laboratory and clinical experience:
  - A) Basic Sciences:
    - Biology
    - Cardiopulmonary anatomy and physiology
    - Chemistry
    - Human anatomy and physiology
    - Computer science
    - Mathematics
    - Microbiology
    - Pharmacology
    - Physics
    - Psychology
  - B) Clinical Sciences:
    - Cardiopulmonary diseases
    - General medical and surgical specialties
    - Pathology
    - Pediatrics and perinatology
  - C) Respiratory Care Content Areas:
    - Aerosol therapy
    - Airway management
    - Assessment of patients' cardiopulmonary status
    - Cardiopulmonary diagnostics and interpretation

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Cardiopulmonary monitoring and interpretation  
Cardiopulmonary rehabilitation and home care  
Cardiopulmonary resuscitation  
Chest physiotherapy  
Ethics of respiratory care and medical care  
Gas therapy  
General patient care  
Humidity therapy  
Hyperinflation therapy  
Mechanical ventilation management  
Oxygen therapy  
Pediatrics and perinatology

- b) Individuals applying for licensure who are deficient in any of the content areas set forth in subsection (a)(4) ~~above~~ may complete any one or all of these courses in an approved respiratory care program. The applicant will be required to submit proof to the ~~Division~~Department that he or she has passed ~~the~~such a ~~course~~course(s). Proof shall include, but not be limited to, transcript, curriculum, program materials and course materials.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work is questioned by the ~~Division~~Department or the Board, the applicant will be required to provide such information as may be necessary and/or appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) In determining whether a program should be approved, the ~~Division~~Department, upon recommendation of the Board, shall take into consideration, but not be bound by, accreditation or approval by the ~~Committee on Accreditation for Respiratory Care Education (CoARC)~~Joint Review Committee for Respiratory Therapy Education, or its successor organization, or accreditation by the American Medical Association Committee on Allied Health Education and Accreditation (CAHEA), or its successor, the Commission on Accreditation of Allied Health Education Programs (CAAHEP).
- e) The ~~Division~~Department, upon recommendation of the Board, has determined that all respiratory therapy programs accredited or approved by the ~~Committee on Accreditation for Respiratory Care Education (CoARC)~~Joint Review Committee for Respiratory Therapy Education, or its successor organization, or accredited by

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CAHEA, or its successor CAAHEP, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.30 Application for Licensure on the Basis of Examination**

- a) An applicant for a respiratory care practitioner license shall apply on forms approved by the ~~Division~~**Department**. The application shall include:
- 1) Verification of successful completion of an approved respiratory therapy program as set forth in Section 1456.20(e) of this Part.
  - 2) Proof of passage of the Entry Level Certified Respiratory ~~Therapist (CRT)Therapy Technician (CRTT)~~ Examination or the Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care submitted directly from the testing entity within 5 years of making application.
  - 3) ~~A complete work history.~~
  - 4) The required fee specified in Section 1456.75 of this Part.
- b) In lieu of the documents required in subsections (a)(1) and (2)~~-above~~, an applicant may submit certification as a Certified Respiratory ~~TherapistTherapy Technician~~ or as a Registered Respiratory Therapist from the National Board for Respiratory Care.
- c) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the ~~Division~~**Department**, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:
- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
  - 2) A description of the examination in that jurisdiction; and
  - 3) Whether the file on the applicant contains any record of disciplinary

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actions taken or pending.

- d) When the accuracy of any submitted documentation or experience is questioned by the ~~Division~~Department or the Board 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 Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.40 Application for Licensure for Graduates from a Nonapproved Program**

- a) An applicant for a respiratory care practitioner license from a nonapproved program shall apply on forms approved by the ~~Division~~Department. The application shall include:
- 1) Transcripts and verification of successful completion of a respiratory therapy program which shall meet the requirements set forth in Section 1456.20 of this Part. The applicant shall be responsible for submitting the program materials for evaluation. If the documentation is insufficient to evaluate the program, the applicant will be requested to submit additional materials; and
  - 2) ~~A complete work history; and~~
  - 3) The required fee specified in Section 1456.75.
- b) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the ~~Division~~Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:
- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

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- 2) A description of the examination in that jurisdiction; and
  - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) Upon approval of the applicant's program by the ~~Division~~Department, the applicant may sit for the examination set forth in Section 1456.50 of this Part.
- d) When the accuracy of any submitted documentation or experience is questioned by the ~~Division~~Department or the Board 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 Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.50 Examination**

- a) The examination for licensed respiratory care practitioners shall be the ~~Certified Respiratory Therapist (CRT)~~Entry Level Certified Respiratory Therapy Technician (CRTT) of the National Board for Respiratory Care.
- b) Candidates for the examination shall make application and pay the examination fee directly to the designated testing service.
- c) Application to the testing services for purposes of the examination shall not constitute application to the ~~Division~~Department for licensure.
- d) In lieu of the Entry Level Certified Respiratory ~~Therapist (CRT)~~Therapy Technician (CRTT) Examination of the National Board for Respiratory Care, the ~~Division~~Department will accept the Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 1456.60 Endorsement**

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States who wishes to be licensed in Illinois as a respiratory care practitioner shall file an application with the ~~Division~~Department, on forms provided by the ~~Division~~Department, which includes:
- 1) Verification of meeting education requirements as set forth in Section 1456.20 of this Part;
  - 2) Proof of passage of the Entry Level Certified Respiratory Therapist (CRT)~~Therapy Technician (CRTT)~~ Examination or Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care submitted directly from the testing reporting service;
  - 3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number; and
  - 4) ~~Complete work history; and~~
  - 5) The required fee specified in Section 1456.75.
- b) In lieu of the documents required in subsections (a)(1) and (2)-~~above~~, an applicant may submit certification from the National Board for Respiratory Care.
- c) The ~~Division~~Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of the Act or the applicant possesses individual qualifications which were substantially equivalent to the requirements of the Act.
- d) The ~~Division~~Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

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(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.70 Renewals**

- a) The first renewal period for licensure under the Act shall be October 31, 1999. Thereafter, every license issued under the Act shall expire on October 31 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee. Beginning with the October 31, 2001 renewal and every renewal thereafter, a renewal applicant will be required to complete 24 hours of continuing education as set forth in Section 1456.110 of this Part.
- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to 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 95 of the Act.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.75 Fees**

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

- a) Application Fees.
  - 1) The fee for application for a license as a respiratory care practitioner is \$100. In addition, applicants for an examination shall be required to pay, either to the ~~Division~~Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the ~~Division~~Department or the designated testing service, shall result in the forfeiture of the examination fee.
  - 2) The fee for application for a continuing education sponsor is \$500. (State

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agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.)

- b) Renewal Fees.
  - 1) The fee for the renewal of a license shall be calculated at the rate of \$60 per year.
  - 2) The fee for the renewal as a continuing education sponsor is \$250 for the renewal period (see Section 1456.110(c)(3)).
- 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, but not to exceed \$300.
  - 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~~~~Department~~ records when no duplicate license is issued.
  - 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~~~~Department~~ 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 respiratory care practitioners in this State shall be the actual cost of producing the roster.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.80 Inactive Status**

- a) Licensed respiratory care practitioners who notify the ~~Division~~~~Department~~, on

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forms provided by the ~~Division~~Department, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the ~~Division~~Department in writing of the intention to resume active practice.

- b) Any licensed respiratory care practitioner seeking restoration from inactive status shall do so in accordance with Section 1456.90 of this Part.
- c) Any respiratory care practitioner whose license is on inactive status shall not use the title "licensed respiratory care practitioner" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.90 Restoration**

- a) Any respiratory care practitioner whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1456.75. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the ~~Division~~Department, for review by the Board, together with the fee required by Section 1456.75. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part. The applicant also shall submit:
  - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice; or
  - 2) An affidavit attesting to military service as provided in Section 65(d) of the Act; or
  - 3) Proof of passage of a respiratory care examination set forth in Section 1456.50 of this Part during the period the registration was lapsed or on inactive status.

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- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- e) Upon recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.100 Unprofessional Conduct**

- a) Pursuant to Section 95 of the Act, unprofessional conduct in the practice of respiratory care shall include but not be limited to:
  - 1) Procuring, attempting to procure or renewing a license as provided by this Part by bribery, by fraudulent misrepresentation or through an error of the Board or the ~~Division~~Department;
  - 2) Willfully making or filing a false report or record, willfully failing to file a report or record required by State or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a respiratory care practitioner licensed pursuant to this Part;
  - 3) Circulating untruthful, fraudulent, deceptive or misleading advertising;

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- 4) Engaging or attempting to engage in the possession, sale or distribution of controlled substances for any purpose other than a legitimate purpose;
  - 5) Willfully failing to report any violation of this Part;
  - 6) Willfully or repeatedly violating a lawful order of the Board or the Division~~Department~~ previously entered in a disciplinary hearing;
  - 7) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, he/she is not competent to perform;
  - 8) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience or licensure to perform them;
  - 9) Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill and treatment which is recognized by a reasonably prudent respiratory care practitioner with similar professional training as being acceptable under similar conditions and circumstances;
  - 10) Paying or receiving any commission, bonus, kickback or rebate, to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The provisions of this subsection shall not be construed to prevent the licensee from receiving a fee for professional consultation services;
  - 11) Failing to document in the medical records actions taken by the licensee and justification for those actions; and
  - 12) Performing professional services which have not been duly ordered.
- b) The Division~~Department~~ hereby incorporates by reference the "Statement of Ethics and Professional Conduct" of the American Association for Respiratory Care, 1720 Regal Row, Dallas, Texas 75235, with no later amendments or editions.

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(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.110 Continuing Education**

- a) Continuing Education Hour Requirements
  - 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of respiratory care required during each prerenewal period. A prerenewal period is the 24 months preceding October 31 in the year of the renewal.
  - 2) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
  - 3) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
  - 4) A licensee who serves as an instructor, speaker or discussion leader of a CE program will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.
  - 5) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
  - 6) Respiratory Care Practitioners licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
  - 7) A renewal applicant shall receive 6 continuing education hours for passage of the Advanced Practitioner, Clinical Simulation or any other NBRC examination beyond entry level. CE credit will not be granted for examinations taken more than once.
- b) Approved Continuing Education

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- 1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) ~~below~~.
  - 2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
  - 3) Credit shall not be given for courses taken in Illinois from unapproved sponsors.
- c) Continuing Education Sponsors and Programs
- 1) Approved sponsor, as used in this Section, shall mean:
    - A) The American Association for Respiratory Care or its affiliates;
    - B) The Illinois Society for Respiratory Care or its affiliates;
    - C) American Medical Association or the Illinois State Medical Society or its affiliates;
    - D) American Hospital Association or Illinois Hospital Association or its affiliates;
    - E) Illinois Nurses Association or the American Nursing Association or its affiliates;
    - F) American Lung Association or its affiliates;
    - G) The American Heart Association or its affiliates; or
    - H) Any other person, firm, association, corporation, or group that has been approved and authorized by the ~~Division~~~~Department~~ pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.

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- 2) Entities seeking a license as a CE sponsor pursuant to subsection (c)(1)(H) shall file a sponsor application, along with the required fee set forth in Section 1456.75. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
  - A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
  - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(8)~~below~~; and
  - C) That upon request by the ~~Division~~Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the ~~Division~~Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) Each sponsor shall submit by October 31 of each odd numbered year a sponsor application along with the renewal fee set forth in Section 1456.75. With the application the sponsor shall be required to submit to the ~~Division~~Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.
- 4) Each CE program shall provide a mechanism for written evaluation of the program and instructor by the participants. Such evaluation forms shall be kept for 5 years and shall be made available to the ~~Division~~Department upon written request.
- 5) All courses and programs shall:
  - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice

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of respiratory care;

- B) Provide experiences which contain scientific integrity, relevant subject matter and course materials; and
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program.
- 6) All programs given by approved sponsors shall be open to all licensed respiratory care practitioners and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
- A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
    - i) The name and address of the sponsor;
    - ii) The name and address of the participant and his/her respiratory care practitioner license number;
    - iii) A detailed statement of the subject matter;
    - iv) The number of hours actually attended in each topic;
    - v) The date of the program;
    - vi) Signature of the sponsor.
  - B) The sponsor shall maintain these records for not less than 5 years.
- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.
- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Division~~Department~~, after notice to the sponsor and

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hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the

Division~~Department~~ receives reasonably satisfactory assurances of compliance with this Section.

## d) Continuing Education Earned in Other Jurisdictions

- 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he ~~or~~/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or 90 days prior to the expiration date of the license. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
- 2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

## e) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a) ~~above~~.
- 2) The Division~~Department~~ may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

## f) Waiver of CE Requirements

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- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the ~~Division~~Department a renewal application, the renewal fee set forth in Section 75(d) of the Act, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the ~~Division~~Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the ~~Division~~Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
  - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
    - i) An incapacitating illness documented by a currently licensed physician,
    - ii) A physical inability to travel to the sites of approved programs, or
    - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for such waiver is filed with the ~~Division~~Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the ~~Division's~~Department's final decision on the application has been made.

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(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1456.120 Granting Variances**

- a) The Director may grant variances from this Part in individual cases ~~when~~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~~therefor, at the next meeting of the Board.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Joint Rules of the Office of the State Fire Marshal and the Illinois State Board of Education: School Emergency and Crisis Response Plans
- 2) Code Citation: 29 Ill. Adm. Code 1500
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1500.10	New Section
1500.20	New Section
1500.30	New Section
- 4) Statutory Authority: 105 ILCS 128/40
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to P.A. 94-600, which was enacted in 2005 and created the School Safety Drill Act. That Act mandates the conduct of school evacuation drills, bus evacuation drills, and severe weather and shelter-in place drills in public and nonpublic schools and also strongly encourages the conduct of law enforcement drills. The law states the situations each of these types of drills is to address; establishes requirements for the minimum number of drills of each type; and calls for the involvement of fire departments in school evacuation drills.

Further, an annual review will now be required of "each school district's emergency and crisis response plans, protocols, and procedures and each building's compliance with the school safety drill programs". Participation in this review will be required by school principals, representatives of other education-related organizations, and local "first responder" organizations (i.e., fire departments, law enforcement, and emergency medical services entities). A report summarizing the results of the review must be prepared, including changes to existing safety plans and drill plans. Those participating have the opportunity to provide additional comments to the regional superintendent of schools for the area. The regional superintendents are to provide annual reports to ISBE, which in turn is to report to the Governor and the Office of the State Fire Marshal (OSFM). (Reports of reviews done in nonpublic schools are provided directly to OSFM.)

The legislation also directs ISBE and OSFM to develop a common set of rules for its implementation. Because the law is explicit as to the number and nature of the required drills, the need for rulemaking is confined to two aspects:

- determining what will be accepted as constituting the "effective" review of plans that local boards are required to conduct; and
- outlining the fundamental objectives that are shared by the various types of drills.

## OFFICE OF THE STATE FIRE MARSHAL

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- 6) Will this rulemaking replace any emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? The rulemaking does contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act; please see Section 1500.20(a)(2).
- 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. (The School Safety Drill Act is an exempt mandate pursuant to Section 8.29 of the State Mandates Act.)
- 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:

John Fennell, Jr.  
General Counsel  
Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, Illinois 62703

(217) 785-4144

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006 (by ISBE)

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED RULES

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE

CHAPTER II: OTHER STATE AGENCIES

SUBCHAPTER a: JOINT RULES OF THE STATE BOARD OF EDUCATION AND THE  
OFFICE OF THE STATE FIRE MARSHAL

## PART 1500

JOINT RULES OF THE OFFICE OF THE STATE FIRE MARSHAL AND THE ILLINOIS  
STATE BOARD OF EDUCATION: SCHOOL EMERGENCY AND CRISIS RESPONSE  
PLANS

## Section

1500.10	Purpose
1500.20	Annual Review of Emergency and Crisis Response Plans
1500.30	Objectives of Drills

AUTHORITY: Implementing the School Safety Drill Act [105 ILCS 128] and authorized by Section 40 of the Act [105 ILCS 128/40].

SOURCE: Adopted at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1500.10 Purpose**

This Part establishes the requirements for the annual review and updating of the protocols and procedures in each school's emergency and crisis response plan that is required by Section 25 of the School Safety Drill Act [105 ILCS 128/25], including the review of each school's compliance with the school safety drill requirements established in Section 15 of the Act [105 ILCS 128/15].

**Section 1500.20 Annual Review of Emergency and Crisis Response Plans**

Each annual review shall be conducted by the participants identified in Section 25 of the Act and shall encompass the components of the plan enumerated in this Section. The report submitted pursuant to Section 25 of the Act shall indicate whether each component listed in this Section is present and up to date and shall describe the revisions, if any, that are needed in each. If any component is deemed inapplicable by the review participants, the report shall include the rationale for this determination.

- a) Overview of Planned Responses

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- 1) The description of the responses planned (i.e., what should happen, when, and at whose direction) to address various emergencies or crises, including:
  - A) *school evacuation responses planned for situations in which conditions outside of a school building are safer than inside*, such as fire, discovery of suspicious items, or incidents involving hazardous materials;
  - B) *bus evacuation responses planned for situations when conditions outside of a school bus are safer than inside*, such as fire, discovery of suspicious items, or incidents involving hazardous materials;
  - C) *severe weather and shelter-in-place responses* planned for situations when conditions inside a school building are safer than outside, such as severe weather, the release of gas or chemicals, or the threat of mass destruction; and
  - D) *law enforcement responses planned for situations when conditions call for a reverse-evacuation or lockdown and the involvement of law enforcement personnel*, such as shooting incidents, bomb threats, or the presence of suspicious persons. (Section 15 of the Act)
- 2) The definition and assignment of roles and responsibilities, with specific reference to the chain of command, designated back-up for each role, and other critical functions (whether by reliance on the Incident Command System outlined in "National Incident Management System" of March 1, 2004, published by the U.S. Department of Homeland Security and posted at [http://www.fema.gov/pdf/nims/nims\\_doc\\_full.pdf](http://www.fema.gov/pdf/nims/nims_doc_full.pdf). or by implementation of other strategies and methods having the same goals), including:
  - A) responsibilities of individuals who discover an emergency or crisis;
  - B) response leadership;
  - C) monitors who will ensure the proper execution of the planned response;

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- D) responsibility for communicating with first responders, building occupants, families, representatives of the media, and other members of the community;
  - E) responsibility for maintaining emergency-related records.
- 3) The inventory of resources that are available when responding to emergencies, including:
- A) emergency contact lists;
  - B) methods for accounting for the whereabouts and status of all children and the process established for releasing students into the care of their parents and others;
  - C) response guidance material and the method of providing it to students and staff, including support personnel such as bus drivers, secretaries, and custodians;
  - D) emergency supplies and equipment (such as first aid kits, food, water, emergency lighting, fuel, battery-operated radio, and walkie-talkies), maintained for students and staff to use during an emergency or crisis; and
  - E) information that exists about the school, such as hazard analyses, area maps, site plans, safety reference plans (see 23 Ill. Adm. Code 180.120), community agreements, etc.
- b) Training and preparedness: The description of actions taken to ensure that all administrators, staff, and students understand the warning signals and know what to do in an emergency, including but not limited to the objectives and results of the types of school safety drills conducted in conformance with Sections 15 and 20 of the Act, including:
- 1) school evacuation drills;
  - 2) bus evacuation drills;
  - 3) severe weather shelter-in-place drills; and

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- 4) law enforcement drills, if any.

**Section 1500.30 Objectives of Drills**

Each drill conducted pursuant to the Act shall be designed to fulfill the objectives discussed in this Section.

- a) **Notification and Response**  
To ensure that all students, staff members, first responders, and visitors, both inside and outside the school building, are alerted to the fact that an emergency exists; receive adequate instructions on how to proceed, including supplemental instructions from first responders; and respond appropriately to the directions given. (Each drill is to test whether the notification system and those operating it are prepared to provide emergency notification and appropriate direction to everyone on the property, based on the emergency conditions that exist, and whether those present respond accordingly.)
- b) **Movement to Safe Areas**
  - 1) When evacuation is called for, to ensure that evacuation of the building and adjacent areas is complete; that alternate exit routes are used if primary routes are obstructed; and that individuals with physical impairments reach safe areas. (Each drill is to test whether and how quickly a building's occupants vacate it in an orderly and safe manner, regardless of any obstructions encountered, and whether staff is prepared to provide assistance effectively to those who are unable to evacuate on their own.)
  - 2) When sheltering in place is called for, to ensure that all the building's occupants reach designated safe areas in a reasonable amount of time. (Each drill is to test whether students are prepared to respond without hesitation to instructions.)
- c) **Communication with First Responders**  
To ensure that the system for communicating with responding agencies provides timely and complete information about the nature, scope, and current status of the emergency situation and about the status of all the building's occupants, whether evacuated or sheltering in place. (Each drill is to test the ability of students and

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staff to provide necessary information to first responders in an emergency of the type to which the drill applies.)

- d) **Accounting for All Occupants**  
To ensure that designated areas for assembling are appropriate to the type of incident to which the drill applies; that they are used by all students, staff, and visitors; and that the controls in place permit accounting for all the building's occupants. (Each drill is to test the preparedness of students and staff to remain in the areas where they have been directed to assemble; the confidence with which the building's occupants can be accounted for; and the reliability of determining whether any search or rescue activity is necessary.)

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- 1) Heading of the Part: Hospital Report Card Code
- 2) Code Citation: 77 Ill. Adm. Code 255
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
255.100	New Section
255.110	New Section
255.120	New Section
255.150	New Section
255.200	New Section
255.250	New Section
255.260	New Section
255.270	New Section
255.280	New Section
- 4) Statutory Authority: Hospital Report Card Act [210 ILCS 86] and Public Acts 93-563 and 94-275
- 5) A Complete Description of the Subjects and Issues Involved: These rules implement the Hospital Report Card Act as amended by Public Act 94-275, effective July 19, 2005. The Hospital Report Card Code requires individual hospitals to make nurse staffing schedules, nurse staffing assignment rosters, the methods for determining and adjusting staffing levels, and staff training information available within specific time frames upon request from the public. It also requires hospitals to maintain documentation of staff orientation and initial job training information for five years. The Hospital Report Card Code also requires individual hospitals to submit quarterly reports to the Department of Public Health of direct care hours, productive direct nursing care and infection-related measures for specific clinical procedures. Individual hospitals may also submit optional quarterly reports containing the total number of nursing hours per patient day and licensed nursing hours per patient for those licensed nursing personnel with indirect patient care responsibilities and average daily hours worked and average daily census. Hospitals shall also submit annual reports to the Department of Public Health that include vacancy and turnover rates for licensed nurses per clinical service area. The required reports will be phased in according to a specific schedule. Hospitals that fail to comply with any of the provisions and responsibilities detailed in the Hospital Report Card Act or Code are subject to compliance provisions in the Hospital Licensing Act.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking? None

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- 7) Does this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will impose a State Mandate on hospitals that are owned/operated by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:
- Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761
- 217/782-2043  
e-mail: [rules@idph.state.il.us](mailto:rules@idph.state.il.us)
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Not-for-profit hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: Quarterly and annual reporting, recordkeeping
- C) Types of professional skills necessary for compliance: Data collection, analysis and reporting
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 255  
HOSPITAL REPORT CARD CODE

Section	
255.100	Definitions
255.110	Referenced Materials
255.120	Confidentiality
255.150	Staffing Levels
255.200	Orientation and Training
255.250	Hospital Reports
255.260	Compliance
255.270	Reporting
255.280	Enforcement

AUTHORITY: Implementing and authorized by the Hospital Report Card Act [210 ILCS 86].

SOURCE: Adopted at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 255.100 Definitions**

For the purpose of this Part:

"Act" means the Hospital Report Card Act [210 ILCS 86].

"Actual nurse staffing assignment roster" means the nurse-patient assignment on each unit that reflects direct nursing services provided within a 24-hour time period to each patient, excluding any information that might identify a particular patient or nurse.

"Appropriately trained" means has completed the orientation course for the job title as specified by the employing hospital.

"Artificial life support" is a system that uses medical technology to aid, support, or replace a vital function of the body that has been seriously damaged.

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"Assigned" means that the registered professional nurse, licensed practical nurse, or other nursing personnel have responsibility for the provision of care to a particular patient within their scope of practice.

"Assistive nursing personnel" means personnel assigned responsibility for the provision of nursing care to a particular patient within their scope of practice other than registered professional nurses or licensed practical nurses.

*"Average daily census" means the average number of inpatients receiving service on any given 24-hour period beginning at midnight in each clinical service area of the hospital. (Section 10 of the Act) Average daily census must be calculated as the sum of inpatients every day at midnight for the quarter, divided by the number of days in the quarter.*

"Average daily hours worked" means the total number of direct care nursing hours paid in the quarter per clinical service area, divided by the total number of calendar days in the quarter, to obtain the average number of worked hours per calendar day.

"Behavioral health" means the clinical service areas in which inpatients are receiving care and treatment for mental illnesses, substance abuse disorders and/or dependence, co-occurring mental illness and substance abuse disorders, or organic brain disorders, such as Alzheimer's Disease or senile dementia with psychotic or depressive symptoms. For the purpose of this Part, behavioral health clinical service areas do not include the following areas and their subcategories: critical care; maternal-child; medical-surgical; pediatrics; perioperative; and telemetry.

*"Clinical service area" means a grouping of clinical services by a generic class of various types or levels of support functions, equipment, care, or treatment provided to inpatients. Hospitals may have, but are not required to have, behavioral health, critical care, maternal-child care, medical-surgical, pediatrics, perioperative services, and telemetry. (Section 10 of the Act) These services shall be measured in patient day units.*

"CMS" means the Centers for Medicare and Medicaid Services.

"Critical care" means the clinical service areas organized, operated, and maintained to provide for monitoring and caring for patients with severe or

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potentially severe physiologic instability requiring technical support and often requiring artificial life support.

"Critical care service area" as defined in this Part does include adult and pediatric critical care patient populations but does not include intensive care newborn nursery services. Furthermore, for the purpose of this Part, critical care clinical service areas do not include the following areas and their subcategories: behavioral health; maternal-child; medical-surgical; pediatrics; perioperative; and telemetry.

"Current nursing staff schedules" means the prospective staffing schedules for each patient care unit, excluding any information that might identify a particular nurse, and made in advance of a designated time frame, e.g., weekly, monthly or quarterly.

*"Department" means the Department of Public Health. (Section 10 of the Act)*

*"Direct-care nurse" and "direct-care nursing staff" include any registered nurse, licensed practical nurse, or assistive nursing personnel with direct responsibility to oversee or carry out medical regimens or nursing care for one or more patients. (Section 10 of the Act)*

"Direct patient care responsibilities" means the activities of direct care nurses and direct care assistive nursing personnel who are assigned to a patient or patients.

"Direct supervision" means a situation in which an individual is responsible for directing the actions of another individual in the facility and is physically close enough to be readily available, if needed, by the supervised individual. "Direct supervision" must be conducted by a registered professional nurse.

"Employee" means any full-time or part-time direct care nursing staff employee who works a regularly scheduled number of hours in a defined pay period. Not included are direct care nursing staff who work on an as-needed basis and are not guaranteed work hours, including, but not limited to casual, per diem, and registry personnel.

"Full-time equivalent" means hospital-employed licensed nursing hours budgeted to work in a seven-day time period divided by 40, or in a fourteen-day time period divided by 80, or annually divided by 2080.

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"Indirect patient care responsibilities" means the activities of nurses, such as nurse managers, charge nurses, clinical nurse specialists and other ancillary licensed nursing personnel, when they are not assigned to direct patient care activities.

*"Hospital" means a health care facility licensed under the Hospital Licensing Act [210 ILCS 85]. (Section 10 of the Act)*

"Hospital Quality Alliance" means the public-private collaboration that collects and reports hospital quality performance information and makes it available to consumers through Centers for Medicare & Medicaid Services (CMS) information channels.

"Licensed nursing hours per inpatient day" means, for the quarter, the total number of productive hours worked by licensed nursing personnel with direct care responsibilities, divided by the total inpatient days.

"Licensed practical nurse" or "LPN" means a person meeting the requirements for licensure by the Department of Financial and Professional Regulation as a licensed practical nurse pursuant to the Illinois Nursing and Advanced Practice Nursing Act [225 ILCS 65].

"Maternal-child" means the clinical service areas that are designed, equipped, organized and operated in accordance with the requirements of the Hospital Licensing Act relating to the medical-surgical care of a patient prior to and during the act of giving birth to either a living child or a dead fetus and the continuing care of both patient and newborn infant. For the purpose of this Part, intensive care newborn nursery services are included in maternal-child clinical service areas. However, maternal-child clinical service areas do not include the following clinical service areas and their subcategories: behavioral health; critical care; medical-surgical; pediatrics; perioperative; and telemetry.

"Medical-surgical" means the clinical service areas in which patients who require less care than that which is available in intensive care units or telemetry units receive 24-hour inpatient general medical services, post-surgical services, or both general medical and post-surgical services. These units may include mixed patient populations of diverse diagnoses and diverse age groups. For the purpose of this Part, medical-surgical clinical service areas do not include the following areas and their subcategories: behavioral health; critical care; maternal-child; pediatrics; perioperative; and telemetry.

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*"Nursing care" means care that falls within the scope of practice set forth in the Nursing and Advanced Practice Nursing Act [225 ILCS 65] or is otherwise encompassed within recognized professional standards of nursing practice, including assessment, nursing diagnosis, planning, intervention, evaluation, and patient advocacy. (Section 10 of the Act)*

"Nursing hours per inpatient day" means, for the quarter, the total number of productive hours worked by registered nurses, licensed practical nurses, and assistive nursing personnel, in each case, with direct patient care responsibilities, divided by the total inpatient days.

"Pediatrics" means the clinical service areas that are designed, equipped, organized and operated to render non-intensive medical-surgical care to the 0-14 age population performed at the direction of a physician on behalf of the patient by physicians, dentists, nurses, and other professional and technical personnel. For the purpose of this Part, pediatric clinical service areas do not include the following areas and their subcategories: behavioral health; critical care; maternal-child; medical-surgical; perioperative; and telemetry.

"Perioperative" means the clinical service areas that are designed, equipped, organized and operated to provide care for inpatients during the preoperative, intraoperative and immediate postoperative periods of a hospital stay. For the purpose of this Part, perioperative clinical service areas do not include the following areas and their subcategories: behavioral health; critical care; maternal-child; medical-surgical; pediatrics; and telemetry.

"Productive hours" means the actual work hours exclusive of vacation, holidays, sick leave and any other absences.

"Registered professional nurse" or "RN" means a person meeting the requirements for licensure by the Department of Financial and Professional Regulation as a registered professional nurse pursuant to the provisions of the Illinois Nursing and Advanced Practice Nursing Act [225 ILCS 65].

"Surgical Care Improvement Project" or "SCIP" means the infection-related quality measures developed under the Surgical Care Improvement Project of the Hospital Quality Alliance.

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"Separated" means any licensed nursing employee who is permanently removed for any reason, including voluntary, involuntary or employee transfer, from the payroll allotted for a clinical service area.

*"Skill mix" means the differences in licensing, specialty, and experiences among direct-care nurses. (Section 10 of the Act)*

*"Staffing levels" means the numerical nurse to patient ratio by licensed nurse classification within a nursing department or unit. (Section 10 of the Act)*

"Telemetry unit" means a unit organized, operated and maintained to provide care for and continuous cardiac monitoring of patients in a stable condition, having or suspected of having a cardiac condition or a disease requiring the electronic monitoring, recording, retrieval, and display of cardiac electrical signals.

"Telemetry unit" as defined in this Part does not include fetal monitoring or fetal surveillance. Furthermore, for the purpose of this Part, telemetry clinical service areas do not include the following areas and their subcategories: behavioral health; critical care; maternal-child; medical-surgical; pediatrics; and perioperative.

"Technical support" means specialized equipment and/or personnel providing for invasive monitoring, telemetry, or mechanical ventilation, for the immediate amelioration or remediation of severe pathology.

*"Unit" means a functional division or area of a hospital in which nursing care is provided. (Section 10 of the Act)*

**Section 255.110 Referenced Materials**

The following statutes are referenced in this Part:

- a) Hospital Licensing Act [210 ILCS 85]
- b) Nursing and Advanced Practice Nursing Act [225 ILCS 65]

**Section 255.120 Confidentiality**

All disclosures by hospitals shall be in accordance with the provisions for disclosure and protection of information under the Act and shall not contain information identifying a patient, employee, or licensed professional.

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**Section 255.150 Staffing Levels**

- a) *The number of registered professional nurses, licensed practical nurses, and other nursing personnel assigned to each patient care unit shall be consistent with the types of nursing care needed by the patients and the capabilities of the staff. Patients on each unit shall be evaluated near the end of each change of shift by criteria developed by the nursing service. There shall be staffing schedules reflecting actual nursing personnel required for the hospital and for each patient unit. Staffing patterns shall reflect consideration of nursing goals, standards of nursing practice, and the needs of the patients.* (Section 15(a) of the Act)
- b) *Current nursing staff schedules shall be available upon request at each patient care unit. Each schedule shall list the daily assigned nursing personnel and average daily census for the unit.* (Section 15(b) of the Act) The schedules shall be provided to the public for inspection in accordance with subsection (h) of this Section by providing a hard copy of the schedule, which may be in the form of scheduling logs, schedule postings, electronic screens, and sign-up sheets, but shall not contain information identifying a patient, employee, or licensed professional. Hospitals may also make schedules available by other means in addition to the hard copy format. The average daily census that must be referenced on each prospective schedule should reflect the unit's average daily census from the prior fiscal year data.
- c) Hospitals and the Department shall notify the public of the right to access nurse staffing information. The Department shall include this information on its web site. Hospitals should provide this information through one or more communication channels, for example, disseminate patient education materials or include information on the hospital web site.
- d) *The actual nurse staffing assignment roster for each patient care unit shall be available upon request at the patient care unit for the effective date of that roster.* (Section 15(b) of the Act) The actual nurse staffing assignment rosters will be provided to the public for inspection in accordance with subsection (h) of this Section by providing a hard copy of the roster. Hospitals may also make rosters available by other means in addition to the hard copy format. Hospitals shall have the ability to satisfy requests for the current rosters or schedules by providing the information at each unit. Requests for non-current rosters or schedules may be satisfied by directing the requestor from the unit to a hospital location where the information is kept for the purpose of providing information to the public.

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- e) *All records required under this Section, including anticipated staffing schedules and the methods to determine and adjust staffing levels, shall be made available to the public upon request.* (Section 15(c) of the Act) Methods for determining and adjusting staffing levels may be contained in hospital policies and procedures, administrative regulations, staff plans, accreditation standards, collective bargaining agreements and commercially developed patient acuity tools and protocols. Nothing in this Part requires hospitals to adopt any particular staffing level methodology. This information shall be made available to the public for inspection as provided in subsection (h) of this Section at a central location or at specific patient care units.
- f) *All records required under Section 15 of the Act shall be maintained by the facility for no less than 5 years.* (Section 15(d) of the Act)
- g) Requests for information under this Section may be communicated to the hospital by any reasonable means, including, but not limited to, written, telephone or on-site inquiries. Hospitals shall be prepared to receive requests and respond accordingly as outlined in subsection (h) of this Section. Hospitals may require these requests to be made in writing in order to document the specifics of each request. If individual hospitals choose to require requests to be made in writing, the hospitals shall then develop a simple form that will fulfill this writing requirement.
- h) Information required to be made available to the public under this Section shall be made available as follows:
- 1) For requests related to an individual person's pending or current inpatient hospital stay:
    - A) The current nursing staff schedule may be requested at any time and shall be made available within two hours after the request.
    - B) The current actual nurse staffing assignment roster may be requested at any time and shall be made available within two hours after the request.
  - 2) For requests unrelated to an individual person's pending or current inpatient hospital stay:

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- A) Other nurse staffing records, including the methods to determine and adjust staffing levels, historical records, and records in off-site storage, may be requested at times specified by the hospital, but at least Monday through Friday from 9:00 a.m. to 5:00 p.m. The hospital shall comply with a written request for these records within seven business days after its receipt. These records shall be made available at a central location on hospital grounds.
- B) If the hospital is unable to provide the requested records in the time frame required by subsection (h)(2)(A) of this Section, the hospital shall notify the individual making the written request within the time limits specified in subsection (h)(2)(A) of this Section of the reason for the delay and the date by which the requested records shall be made available.

**Section 255.200 Orientation and Training**

- a) *All health care facilities shall have established an orientation process that provides initial job training and information and assesses the direct care nursing staff's ability to fulfill specified responsibilities. (Section 20(a) of the Act)*  
Documentation of training and orientation processes and ongoing assessments of the direct care nursing staff's ability to fulfill specified responsibilities shall be maintained by health care facilities for five years.
- b) Personnel who have not completed the established orientation course for a position may not work in the position without direct supervision by a registered professional nurse.
- c) *Staff training information will be available upon request, without any information identifying a patient, employee, or licensed professional at the hospital, for personnel who work in inpatient direct care areas for each of the following employee classifications: direct-care nursing staff, transport and housekeeping services, dietary personnel, and licensed allied health professionals. (Section 20(c) of the Act)*
  - 1) The information shall provide the following by employee classification: the requisite education, training, licensure and/or certifications necessary to secure employment; coursework, competencies, training and/or certifications required to successfully complete the established orientation process; and continuing education or training required to maintain

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employment, listed by topic, that applies to patient care, safety or infection control.

- 2) This information shall be made available to the public for inspection upon request at a central location on hospital grounds or at specific patient care units as deemed appropriate by the hospital. The information shall be available Monday through Friday from 9:00 a.m. to 5:00 p.m.

**Section 255.250 Hospital Reports**

- a) *Individual hospitals shall prepare a quarterly report including all of the following (Section 25(a) of the Act):*
  - 1) Direct care hours, by reporting individually all of the following:
    - A) Total inpatient days, which is the sum of each daily census for the time period.
    - B) Total direct care RN hours, which equals the sum of the paid, productive hours for direct care RN employees including agency, per-diem and registry RNs.
    - C) Total direct care LPN hours, which equals the sum of the paid, productive hours for direct care LPN employees including agency, per-diem and registry LPNs.
    - D) Total direct care hours for assistive nursing personnel, which is the sum of the paid, productive hours for direct care assistive nursing personnel, including agency, per diem and registry assistive nursing personnel.
    - E) Nursing hours per patient day for direct care, which is the sum of total direct care RN hours and total direct care LPN hours and total direct care assistive nursing personnel hours divided by total inpatient days.
    - F) Licensed nursing hours per patient day - by RNs and LPNs (RN hours per patient day, LPN hours per patient day), which is:

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- i) the total direct care hospital employed RN hours divided by the total inpatient days for the quarter,
  - ii) the total direct care commercial agency contracted RN hours divided by the total inpatient days for the quarter,
  - iii) the total direct care hospital employed LPN hours divided by the total inpatient days for the quarter, and
  - iv) the total direct care commercial agency contracted LPN hours divided by the total inpatient days for the quarter.
- G) Average daily hours worked - by RNs and LPNs (average daily RN hours worked, average daily LPN hours worked), which is:
- i) the total direct care hospital employed RN hours divided by the number of calendar days for the quarter,
  - ii) the total direct care commercial agency contracted RN hours divided by the number of calendar days for the quarter,
  - iii) the total direct care hospital employed LPN hours divided by the number of calendar days for the quarter, and
  - iv) the total direct care commercial agency contracted LPN hours divided by the number of calendar days for the quarter.
- H) Average daily census, which is the total inpatient days divided by the days in the quarter.
- 2) Productive direct nursing care, by reporting individually all of the following: (Agency, per-diem and registry RNs with direct patient care responsibility shall be included in the number of productive hours for the mandated reports. The number of productive hours for reports under this Section shall not include nurse managers, charge nurses who are not assigned direct patient care responsibilities, or any other licensed nursing personnel who do not have a direct care patient assignment. The

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mandated report shall not include licensed nursing orientees in the number of productive hours.)

- A) Total number of *nursing hours per patient day*. (Section 25(a)(1) of the Act)
  - B) Licensed nursing hours per patient day, reported separately for registered professional nurses, licensed practical nurses, commercial agency contracted registered professional nurses and commercial agency contracted licensed practical nurses.
  - C) *Average daily hours worked*, reported separately for registered professional nurses, licensed practical nurses, commercial agency contracted registered professional nurses and commercial agency contracted licensed practical nurses. (Section 25(a)(1) of the Act)
  - D) *Average daily census* for the quarter per *clinical service area*. (Section 25(a)(1) of the Act)
- 3) *Infection-related measures for the facility for the following clinical procedures* (Section 25(a)(2) of the Act) set forth in SCIP according to the following schedule:
- A) By October 1, 2006, surgical process measures as follows:
    - i) Prophylactic antibiotic prior to surgical incision.
    - ii) Prophylactic antibiotic selection for surgical patients.
    - iii) Prophylactic antibiotics discontinued within 24 hours after surgery.
    - iv) For cardiac surgery patients, prophylactic antibiotics discontinued within 48 hours after surgery.
    - v) For cardiac surgery patients, controlled postoperative serum glucose.

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- B) By October 1, 2006, surgical outcome measures by reporting postoperative wound infection diagnosed during index hospitalization.
  - C) By October 1, 2007, central vascular catheter-related bloodstream infection rates in designated critical care units.
  - D) By October 1, 2007, patients diagnosed with postoperative ventilator-associated pneumonia (VAP) during index hospitalization.
- b) Individual hospitals may also, but are not required to, submit the following optional reports: (Agency, per-diem and registry RNs must be included in the number of productive hours for the optional report. The optional report may not include licensed nursing orientees in the number of productive hours.)
- 1) Total number of nursing hours per patient day and licensed nursing hours per patient day for those licensed nursing personnel with indirect patient care responsibilities. The licensed nursing hours per patient day will be reported separately for registered professional nurses and licensed practical nurses. Hospitals may also submit the number of licensed nursing hours per patient day that are associated with caring for outpatient and observation patients.
  - 2) Average daily hours worked and average daily census for the quarter per clinical service area.
- c) *Individual hospitals shall prepare annual reports including vacancy and turnover rates for licensed nurses per clinical service area for direct care nurses as follows: (Section 25(b) of the Act)*
- 1) **Vacancy Rate:**  
The vacancy rate submitted for licensed nurses per clinical service area must equal the number of full-time equivalent openings for licensed nursing personnel on January 1 of each year, divided by the number of full-time equivalents for licensed nursing personnel budgeted as of January 1. Budgeted positions include both filled positions and vacant positions for which the hospital is recruiting on January 1. The vacancy rate does not include those licensed nursing employees who are on family, medical or disability leave or who provide per-diem services to the

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hospital. The vacancy rate shall be reported separately for registered nurses and licensed practical nurses.

- 2) Turnover Rate:  
The turnover rate submitted for licensed nurses per clinical service area must equal the number of separated employees for licensed nursing personnel for the calendar year preceding January 1, divided by the number of employees for licensed nursing personnel on the hospital's payroll for the same clinical service area as of the preceding January 1. The turnover rate does not include those licensed nursing employees who are on family, medical or disability leave or who provide per-diem services to the hospital. The turnover rate shall be reported separately for registered nurses and licensed practical nurses.

**Section 255.260 Compliance**

The staffing data to be reported under Section 25(a)(1) of the Act shall be phased in according to the following schedule from October 1, 2006:

- a) For the first three months, the Department shall educate hospitals about the reporting requirements, format and process for data required under Section 25(a)(1) of the Act;
- b) For the next three months, the Department shall conduct a voluntary pilot program that will give all hospitals that wish to participate the opportunity to work with the reporting form and process for data covered under Section 25(a)(1) of the Act and to give the Department an opportunity to make any necessary or helpful modifications to the format and process for such reporting; and
- c) For the next three months, all hospitals shall be required to report staffing level data using the modified form or process developed under subsection (b) above.
- d) All hospitals shall be required to submit quarterly reports in accordance with this Part beginning with data from the next full calendar quarter from the date the Department notifies hospitals that the reporting form and process have been finalized.

**Section 255.270 Reporting**

- a) *Quarterly reports shall be submitted to the Department by April 30, July 31,*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

*October 31, and January 31 each year for the previous quarter. Data in quarterly reports must cover a period ending not earlier than one month prior to submission of the report. Annual reports shall be submitted by December 31. All reports shall be made available to the public on-site and through the Department. (Section 25(d) of the Act) Final, edited quarterly reports must be submitted to the Department according to the following calendar schedule: 1<sup>st</sup> quarter by the following July 1; 2<sup>nd</sup> quarter by the following October 1; 3<sup>rd</sup> quarter by the following January 1; and 4<sup>th</sup> quarter by the following April 1. Final, edited annual reports must be submitted to the Department by the following April 1.*

- b) *If the hospital is a division or subsidiary of another entity that owns or operates other hospitals or related organizations, the annual public disclosure report shall be for the specific division or subsidiary and not for the other entity. (Section 25(e) of the Act)*
- c) *The Department shall disclose information under this Section in accordance with provisions for inspection and copying of public records required by the Freedom of Information Act [5 ILCS 140] provided that such information satisfies the provisions of Section 25(c) of the Act. (Section 25(f) of the Act)*
- d) *Notwithstanding any other provision of law, under no circumstances shall the Department disclose information obtained from a hospital that is confidential under Part 21 of Article 8 of the Code of Civil Procedure. (Section 25(g) of the Act)*
- e) *No hospital report or Department disclosure may contain information identifying a patient, employee, or licensed professional. (Section 25(h) of the Act)*

**Section 255.280 Enforcement**

Any hospital that fails to comply with the provisions and responsibilities detailed in the Act or this Part shall be subject to the compliance provisions in the Hospital Licensing Act. In particular, Section 85/7 of the Hospital Licensing Act states, in part, the Director, after notice and opportunity for hearing to the applicant or licensee, may deny, suspend, or revoke a permit to establish a hospital or deny, suspend, or revoke a license to open, conduct, operate, and maintain a hospital in any case in which he finds that there has been a substantial failure to comply with the provision of this Act, the Hospital Report Card Act, or the Illinois Adverse Health Care Events Reporting Law of 2005 or the standards, rules, and regulations established by virtue of any of those Acts. (Section 7(a) of the Hospital Licensing Act)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1600.25	New Section
1600.100	Amendment
1600.135	New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: A revision is being proposed to 1600.100 Freedom of Information Act to outline issues that pertain specifically to SURS. Sections 1600.135 and 1600.25 are new Sections to set forth overpayment procedures and clarify qualifications for an effective Beneficiary Designation.
- 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 amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1600.122	New Section	29 Ill. Reg. 19517; 12/2/05
1600.125	New Section	29 Ill. Reg. 15509; 10/14/05
1600.139	New Section	29 Ill. Reg. 15781; 10/21/05

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Albert J. Lee  
Assistant General Counsel  
State Universities Retirement System

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

1901 Fox Drive  
Champaign IL 61820

Phone: 217-378-7516

Fax: 378-9801

[www.surs.org](http://www.surs.org)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS  
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600  
UNIVERSITIES RETIREMENT

## SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
<a href="#">1600.25</a>	<a href="#">Effective Beneficiary Designations</a>
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.55	Election to Make Contributions Covering Periods of Military Leave
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.121	Determination of Final Rate of Earnings Period
1600.123	Part-time/Concurrent Service Adjustments
1600.130	Procurement
<a href="#">1600.135</a>	<a href="#">Debt Collection</a>
1600.137	Overpayment Recovery
1600.140	Making Preliminary Estimated Payments

## SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System

## STATE UNIVERSITIES RETIREMENT SYSTEM

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1600.154	Modified QILDROs
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO
1600.157	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158	Alternate Payee's Address
1600.159	Electing Form of Payment
1600.160	Automatic Annual Increases
1600.161	Expiration of a QILDRO
1600.162	Reciprocal Systems QILDRO Policy Statement
1600.163	Providing Benefit Information for Divorce Purposes

## 1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: MISCELLANEOUS PROCEDURES

**Section 1600.25 Effective Beneficiary Designations**

**Purpose.** Under Section 15-120 of the Illinois Pension Code [40 ILCS 5/15-120], "beneficiary" is defined as a person or persons designated by the participant or annuitant in the last written designation on file with the Board; or, if no person so designated survives, or, if no designation is on file, the estate of the participant or annuitant.

a) Definitions

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- 1) "Last written designation", for the purposes of Section 15-120 of the Illinois Pension Code and this Section, shall mean the last valid beneficiary designation "on file" with the System up to and including the date of death of the participant or annuitant.
  - 2) "On file", for the purposes of Section 15-120 of the Illinois Pension Code and this Section, shall mean a beneficiary designation that has been received and date stamped by the System.
  - 3) "Member", for the purposes of this Section, shall mean a participant or annuitant.
  - 4) "Agent", for the purposes of this Section, shall mean a participant's or annuitant's agent expressly authorized to change beneficiaries pursuant to an effective power of attorney or guardianship.
- b) Original Signature and Supporting Documentation. A beneficiary designation shall be deemed valid only if the beneficiary designation received contains an original signature of the member or an agent. Beneficiary designations containing a copy of the member's or agent's signature, whether electronic or photographic, shall be invalid. A copy of the power of attorney or a certified copy of the guardianship order expressly authorizing the change of beneficiaries must accompany a beneficiary designation executed by an agent.
- c) Disputed Designations. If a dispute arises in the interpretation of the last written designation, or, in the opinion of the System, the designation is ambiguous, then the contesting beneficiaries shall seek a court determination as to the designation's interpretation. If no beneficiary brings a court action within a reasonable time, then the System may seek a court determination.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1600.100 Freedom of Information Act**

- a) Purpose. This Section establishes policies and procedures specific to the State Universities Retirement System (SURS) concerning requests for information made under the Freedom of Information Act (the Act) [5 ILCS 140].

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- b) Freedom of Information Officer. The Freedom of Information Officer is the staff member at SURS responsible for responding to all requests for information on behalf of SURS as the "public body" under the Act and is also responsible for maintaining all records required to be kept under that Act and this Section. The Freedom of Information Officer shall be designated by the Executive Director. Denials issued by the Freedom of Information Officer shall be appealed to the Executive Director as the "head of the public body" under the Act.
- c) Fees. Subject to a waiver or reduction of the fee if warranted under Section 6 of the Act [5 ILCS 140/6], fees may be imposed on the requester to recover costs of document production or reproduction according to the following schedule:
- 1) Photostatic copying of paper documents:
    - A) Black and white copies shall be charged at \$0.05 per page;
    - B) Color copies shall be charged at \$0.13 per page.
  - 2) Printing of electronic documents or microfilmed/microfiched documents shall be charged at \$0.05 per page.
  - 3) Physical shipping and facsimile transmission costs shall be charged to the extent those costs are incurred. Electronic transmission via e-mail shall be provided at no charge.
- d) Exemptions. Consistent with Section 7 of the Act, the following public records shall be exempt from inspection and copying: personal information that includes any personally identifying or identifiable information other than names or benefit amounts, including Social Security numbers and addresses of participants and annuitants, and names and Social Security numbers and addresses of beneficiaries.
- a) Introduction:
- 1) It is the public policy of the State of Illinois, as expressed in the Freedom of Information Act [5 ILCS 40], that *all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees. This access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments, and monitoring government to ensure that it is being*

## STATE UNIVERSITIES RETIREMENT SYSTEM

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~~conducted in the public interest.~~

- 2) ~~The Act is not intended to be used: To violate individual privacy; for the purpose of furthering a commercial enterprise; or to disrupt the duly undertaken work of SURS independent of the fulfillment of any of the rights of the people to access to information.~~
- 3) ~~The Act is not intended to create an obligation on the part of SURS to maintain or prepare any public record which was not maintained or prepared by SURS when the Act became effective (July 1, 1984), except as otherwise required by applicable State or federal law. [5 ILCS 140/1]~~
- 4) ~~By means of this rule, SURS has established procedures to conduct its business in accordance with the Freedom of Information Act~~

b) ~~Definitions:~~

- 1) ~~"Copying"—The reproduction of any public record by means of any photographic, electronic, mechanical, or other process, device, or means. [5 ILCS 140/2]~~
- 2) ~~"Freedom of Information Officer"—The Freedom of Information Officer is the staff member at SURS responsible for responding to all requests for information under the Freedom of Information Act and is also responsible for maintaining all records required to be kept under that Act and this Section. The Freedom of Information Officer shall be the Associate Executive Director.~~
- 3) ~~"Person"—Any individual, corporation, partnership, firm, organization, or association, acting individually or as a group.~~
- 4) ~~"Public Records"—All records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information, and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, processed or under the control of any public body. Unless exempt under subsection (f), "public records" includes, but is expressly not limited to:~~

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- A) ~~Administrative manuals, procedural rules, and instructions to staff.~~
- B) ~~Final opinions and orders made in the adjudication of cases.~~
- C) ~~Substantive rules.~~
- D) ~~Statements and interpretations of policy which have been adopted by SURS.~~
- E) ~~Final planning policies, recommendations, and decisions.~~
- F) ~~Factual reports, inspection reports, and studies, whether prepared by or for SURS.~~
- G) ~~All information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of SURS.~~
- H) ~~The names, salaries, titles, and dates of employment of all employees and officers of SURS.~~
- I) ~~Materials containing opinions concerning the rights of the State, the public, a subdivision of State or a local government, or of any private persons.~~
- J) ~~The name of every person and the final records of voting in all proceedings of SURS.~~
- K) ~~Applications for any contract, permit, grant, or agreement.~~
- L) ~~Each report, document, study, or publication prepared by independent consultants or other independent contractors for SURS.~~
- M) ~~Information relating to any grant or contract made by or between SURS and another public body or private organization. [5 ILCS 140/2]~~
- N) ~~All other information required by law to be made available for public inspection or copying.~~

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- e) ~~Dissemination of information about SURS.  
SURS shall prominently display at each of its offices, make available for inspection and copying, and send through the mail, if requested, each of the following:~~
- 1) ~~A brief description of itself, including but not limited to:~~
    - A) ~~A short summary of its purpose.~~
    - B) ~~A block diagram giving its functional subdivisions.~~
    - C) ~~The total amount of its operating budget.~~
    - D) ~~The number and location of all of its separate offices.~~
    - E) ~~The approximate number of full and part time employees.~~
    - F) ~~The identification and membership of the Board of Trustees and the various committees created by the Board.~~
  - 2) ~~A brief description of the methods whereby the public may request information and public records, a directory designating by titles and addresses those employees to whom requests for public records should be directed, and any fees allowable under Section 6 of the Freedom of Information Act. [5 ILCS 140/4]~~
- d) ~~List of records available from SURS.~~
- 1) ~~SURS shall maintain and make available for inspection and copying a reasonably detailed and reasonably current list of all types or categories of records under its control.~~
  - 2) ~~SURS shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format. [5 ILCS 140/5]~~
- e) ~~Fees.~~
- 1) ~~Imposition of Fee.~~

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- A) ~~SURS may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records. SURS may also charge fees for the use, by any person, of its equipment to copy records.~~
  - B) ~~Such fees shall exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by State statute.~~
  - C) ~~Such fees shall be imposed according to the following standard scale of fees: photostatic copying of paper documents \$.10 per page; paper copies of microfilmed/microfiche documents \$.25 per page; compilation(s) of electronically stored data to be determined based on the nature of the request. [5 ILCS 140/6]~~
- 2) ~~Waiver of Fee.~~
- A) ~~Documents shall be furnished without charge or at a reduced charge, as determined by the Freedom of Information Officer, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest, and if the Freedom of Information Officer determines that a waiver or reduction of the fee is in the public interest. In setting the amount of a waiver or reduction, the Freedom of Information Officer may take into consideration the amount of materials requested and the cost of copying them.~~
- 3) ~~Waiver or reduction of the fee is in the public interest if the principal purpose of the request is not for personal or commercial benefit, but the principal purpose is:~~
- A) ~~To access and disseminate information regarding the health, safety, and welfare of the general public; or~~
  - B) ~~To access and disseminate information regarding the legal rights of the general public. [5 ILCS 140/6]~~
- f) ~~Exemptions. The following public records shall be exempt from inspection and copying:~~

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- 1) ~~Information specifically prohibited from disclosure by federal or State law, or by rules and regulations adopted under federal or State law. [5 ILCS 140/7(1)(a)]~~
- 2) ~~Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subject of the information. This disclosure of information that bears on the public duties of the SURS Board of Trustees and SURS employees shall not be considered an invasion of personal privacy. Information exempted under this subsection (f)(2) shall include, but is not limited to:
  - A) ~~Files and personal information maintained with respect to participants, annuitants, and beneficiaries participating in or receiving benefits from SURS; and~~
  - B) ~~Personnel files and personal information maintained with respect to employees of SURS and any applicants for positions with SURS. [5 ILCS 140/7(1)(b)]~~~~
- 3) ~~Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the Executive Director. [5 ILCS 140/7(1)(f)]~~
- 4) ~~Information related solely to the internal personnel rules and practices of SURS. [5 ILCS 140/7(1)(w)]~~
- 5) ~~Minutes of meetings of the Board of Trustees of SURS and any subsidiary committees thereof closed to the public as provided in the Open Meetings Act [5 ILCS 120] until the Board of Trustees makes the minutes available to the public under Section 2.06 of the Open Meetings Act. [5 ILCS 140/7(1)(m)]~~
- 6) ~~Communications between SURS and an attorney or auditor representing SURS that would not be subject to discovery in litigation, and materials prepared or compiled by or for SURS in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising~~

## STATE UNIVERSITIES RETIREMENT SYSTEM

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~~SURS, and materials prepared or compiled with respect to internal audits of SURS. [5 ILCS 140/7(1)(n)]~~

- ~~7) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of SURS. [5 ILCS 140/7(1)(r)]~~
- ~~8) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700/4002]. Nothing contained in this subsection (f)(8) shall be construed to prevent a person or business from consenting to disclosure. [5 ILCS 140/7(1)(g)]~~
- ~~9) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with SURS, until an award or final selection is made. Information prepared by or for SURS in preparation of a bid solicitation shall be exempt until an award or final selection is made. [5 ILCS 140/7(1)(h)]~~
- ~~10) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this subsection (f). [5 ILCS 140/7(1)(p)]~~
- ~~11) Valuable formulas, designs, drawings and research data obtained or produced by SURS that when disclosed could reasonably be expected to produce private gain or public loss [5 ILCS 140/7(1)(i)].~~
- ~~12) Documents or materials relating to collective negotiating matters between SURS and its employees or representatives, except that any final contract or agreement shall be subject to inspection and copying. [5 ILCS 140/7(1)(q)]~~

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- 13) ~~Test questions, scoring keys and other examination data used to determine the qualifications of an applicant for employment. [5 ILCS 140/7(1)(j)]~~
  - 14) ~~Architects' plans and engineers' technical submissions for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security. [5 ILCS 140/7(1)(k)]~~
  - 15) ~~The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure [735 ILCS 5/Art. VII], records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated. [5 ILCS 140/7(1)(s)]~~
  - 16) ~~Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self insurance pool or jointly self administered health and accident cooperative or pool. [5 ILCS 140/7(1)(t)]~~
  - 17) ~~Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss, or risk management information, records, data, advice or communications. [5 ILCS 140/7(1)(bb)]~~
  - 18) ~~Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/55]. [5 ILCS 140/7(1)(ee)]~~
- g) ~~Inspection or copying of public records—Request procedures:~~
- 1) ~~SURS shall make available to any person for inspection or copying all public records, except as otherwise provided in subsection (f), in accordance with this subsection (g). [5 ILCS 140/3] Such records may be obtained from the Freedom of Information Officer at the principal office of SURS.~~

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- 2) ~~Subject to the fee provisions of subsection (e), SURS shall promptly provide, to any person who submits a written request, a copy of any public record required to be disclosed and shall certify such copy if so requested. [5 ILCS 140/3]~~
- 3) ~~SURS shall promptly either comply with or deny a written request for public records within 7 working days after its receipt. Denial shall be by letter as provided in subsection (i). The failure of SURS to respond to a written request within 7 working days after its receipt shall be considered a denial of the request.~~
- 4) ~~The time limits prescribed in subsection (g)(3) may be extended for not more than 7 additional working days for any of the following reasons:~~
  - A) ~~the requested records are stored in whole or in part at other locations than the office having charge of the requested records;~~
  - B) ~~the request requires the collection of a substantial number of specified records;~~
  - C) ~~the request is couched in categorical terms and requires an extensive search for the records responsive to it;~~
  - D) ~~the requested records have not been located in the course of routine search and additional efforts are being made to locate them;~~
  - E) ~~the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under subsection (f) or should be revealed only with appropriate deletions;~~
  - F) ~~the request for records cannot be complied with by SURS within the time limits prescribed by subsection (g)(3) without unduly burdening or interfering with the operations of SURS;~~
  - G) ~~there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the~~

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~~determination or in the subject matter of the request.~~

- 5) ~~Additional time. When additional time is required for any of the above reasons, SURS shall notify by letter the person making the written request, within the time limits specified by subsection (g)(3), of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. In no instance may the delay in processing last longer than 7 working days. A failure to render a decision within 7 working days shall be considered a denial of the request.~~
- 6) ~~Categorical requests:~~
- A) ~~Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for SURS, there is no way to narrow the request, and the burden on SURS outweighs the public interest in the information. Before invoking this exemption, SURS shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.~~
- B) ~~If SURS responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of SURS. Such a response shall be treated as a denial of the request for information.~~
- C) ~~Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision. [5 ILCS 140/3]~~
- h) ~~Nonexempt materials contained in exempt records. If any public record that is exempt from disclosure under subsection (f) contains any material which is not exempt, SURS shall delete the information which is exempt and make the remaining information available for inspection and copying in accordance with subsection (g). [5 ILCS 140/8]~~
- i) ~~Denial of request for public records—Notice.~~
- 1) ~~When the Freedom of Information Officer denies a request for public~~

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~~records, it shall notify by letter the person making the request of the decision to deny such, the reasons for the denial, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of his right to appeal to the Executive Director. Each notice of denial of an appeal by the Executive Director shall inform such person of his right to judicial review.~~

- 2) ~~When a request for public records is denied on the grounds that the records are exempt under subsection (f), the notice of denial shall specify, by cite to the specific statutory provision of the Freedom of Information Act, the exemption authorizing the denial.~~
- 3) ~~Copies of all notices of denial shall be retained by SURS in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested. [5 ILCS 140/9]~~

j) ~~Denial of request for public records—Appeals.~~

- 1) ~~Any person denied access to inspect or copy any public record may appeal the denial by sending a written notice of the appeal to the Executive Director. Upon receipt of such notice the Executive Director shall promptly review the public record, determine whether under the provisions of this policy such record is open to inspection and copying, and notify the person making the appeal of such determination within 7 working days after the notice of appeal.~~
- 2) ~~Any person making a request for public records shall be deemed to have exhausted his administrative remedies with respect to such request if the Executive Director affirms the denial or fails to act within the time limit provided in subsection (j)(1). [5 ILCS 1401/10]~~

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 1600.135 Debt Collection**

Purpose. Under Section 15-186.1 of the Illinois Pension Code [40 ILCS 5/15-186.1], the State Universities Retirement System (System) may recover amounts overpaid from the recipient, plus interest at the effective rate from the date of overpayment to the date of recovery, either directly

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or by deducting that amount from the remaining benefits payable to the recipient. This Section establishes procedures by which the System's authority to collect overpayments under Section 15-186.1 is to be exercised.

- a) Overpayment Status. The recipient shall be in overpayment status from the date the System mails an overpayment notification to the member. The overpayment notification shall notify the recipient of the right to appeal the determination of the overpayment status pursuant to Section 1600.80 of this Part.
- b) Delinquency Status. If the recipient has failed for 90 days from the date of overpayment status to repay the overpayment, make substantial payments toward the overpayment, or appeal the determination of overpayment status, the recipient shall be in delinquency status and the System will record the overpayment as an account receivable.
- c) Demand and Statements. The System shall provide the delinquent recipient with a written demand. The written demand shall specify the total amount of the overpayment, the month or months in which the overpayment occurred, a description of the nature of the overpayment and the option for installment payments. The written demand shall also notify the recipient of the right to appeal and receive a hearing concerning the determination of overpayment status in accordance with Section 1600.80. The System will send the recipient monthly statements indicating the overpayment balance and any installment balances and shall continue sending monthly statements until the total amount is fully repaid or the System acts under subsection (f) of this Section.
- d) Interest. Interest will accrue monthly at the current effective interest rate starting from the date of overpayment until the date of recovery of the full outstanding balance.
- e) Settlement. At any time subsequent to the date of overpayment status, the System may attempt to negotiate a payment schedule or reach a settlement with the recipient. Nothing in this subsection shall prohibit the System from exercising at any time its options under subsection (g) or any other collection methods available to the System by law.
- f) Actions for Recovery. The System may take any or all of the following actions, as deemed appropriate, to collect the overpayment:

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- 1) Reduction of future benefits or payments to the recipient or the recipient's survivor or beneficiary pursuant to Section 1600.137.
  - 2) Referral to the Department of Revenue's Debt Collection Bureau under Section 10 of the Illinois State Collection Act of 1986 [30 ILCS 210/10].
  - 3) Initiation of proceedings to obtain a civil judgment.
- g) Maintenance of Records. Each overpayment recorded as an account receivable shall be maintained for at least five years, except as provided in subsections (h)(1) and (h)(2), and shall contain the following:
- 1) A description of the cause for the overpayment;
  - 2) Correspondence concerning attempts to collect the overpayment;
  - 3) Evidence of notice given for a hearing and review of the overpayment and any final outcome of the hearing and review.
- h) Uncollectible Accounts Receivables. When the System is unable to collect an overpayment recorded as an account receivable after five years, the System's staff may request the Board to certify the account receivable as uncollectible. The uncollectible account receivable shall then be deleted from System records. However:
- 1) The System's staff may deem an account receivable of less than \$1,000 to be uncollectible after 90 days of delinquency without certification by the Board.
  - 2) The System's staff may submit for Board certification any account receivable of \$1,000 or more that is delinquent for less than 5 years. The System's staff shall determine whether the deletion is in the System's best economic interest before requesting the certification. In determining the best economic interest of the System, staff shall determine whether the total collection cost expended or anticipated will exceed the amount of the payment that would reasonably be expected to be realized as a result of the collection.
- i) Reopening Uncollectible Accounts Receivables. Accounts receivable certified by the Board as uncollectible may be reopened for collection when the System's staff

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determines that it is in the best economic interest of the System to do so (see subsection (h)(2) of this Section for the standards for determining the best economic interest of the System).

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Control of Outdoor Advertising Adjacent to Primary and Interstate Highways
- 2) Code Citation: 92 Ill. Adm. Code 522
- 3)
 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
522.20	Amend
522.30	Amend
522.50	Amend
522.80	Amend
522.90	Amend
522.130	Amend
522.150	Amend
522.160	Amend
522.175	New Section
522.190	Amend
522.ILLUSTRATION H	Repeal
522.ILLUSTRATION M	New
- 4) Statutory Authority: Implementing Section 9-112.1 and 9-112.2 of the Illinois Highway Code [605 ILCS 5/9-112.1 and 9-112.2 and Sections 1 through 8 and 10 of the Highway Advertising Control Act of 1971 [225 ILCS 440/1-8 and 10] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01]; implementing Section 1 and authorized by Section 17 of the Airport Zoning Act [620 ILCS 25/1 and 17].
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to amend this Part to, among other things, add language to strengthen the conforming sign site control criteria. Accordingly, at Section 522.20, a "sham" building will not be considered a commercial or industrial activity when determining unzoned commercial or industrial areas. Moreover, actual commercial or industrial activities will need to be in place at a site, or the site will need to be documented as a site for which future commercial or industrial use is pending, before a site will be considered in conformance. Zoning alone will no longer be acceptable. Additionally, Section 522.50 now provides that zoning certifications must be submitted on the local governing agency's letterhead and attached, along with the additional documentation, to the permit application. These certifications will attest to a property's zoning status and, in the case of interstate areas, will attest to a site's conformance with the September 21, 1959 criteria. Other significant changes include:

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At Section 522.20, a new definition of "Multiple Message Signs" has been added and provides that a fixed message will be displayed for at least ten seconds in length with a transition time between message changes of three seconds or less.

In addition to the changes previously noted to Section 522.50, under the newly proposed amendments, supporting documentation required for permit applications will be consistent statewide. Documentation requirements for all signs, whether in the Chicago-area or elsewhere, will be the same. Illinois State Plane Coordinates will need to be provided, and a certificate of good corporate standing from the Illinois Secretary of State's Office will be required. Permit fees will be non-refundable, and those fees will increase by 100%, with the highest fee for the largest sign capped at \$400. Finally, a certification will need to be provided stating that the applicant does not own an illegal or abandoned sign.

At Section 522.80, any applicant of an illegal or abandoned sign will not be able to secure permits until such time that a corrective remedy has been performed.

At Section 522.90, the permit application renewal period will be increased from 180 days to 2 years, and applicants will be required to wait 60 days before applying again for the same site.

At Section 522.130, the review procedures for sign applicants whose permits have been revoked have been rewritten to provide greater clarity with respect to the review sequence or review timeline.

At Section 522.150, a definition and additional control criterion for abandoned signs has been added as follows: a sign will be considered abandoned when no message or display appears for one year, unless the display advertises the availability of the sign.

At Section 522.160, the control requirements for official notices have been clarified.

A new Section, Section 522.175, has been added to better define the requirements for official signs.

At Illustrations H and M, the department is repealing the District Highway Map and adding an updated listing of District Offices and Counties to replace it.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Mr. Richard Hunter, Chief, Bureau of Land Acquisition  
Illinois Department of Transportation  
Division of Highways  
2300 South Dirksen Parkway, Room 103  
Springfield, Illinois 62764

(217) 782-6243

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

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses and not for profit corporations that qualify will be impacted to the extent that such businesses and corporations wish to participate in the program.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER f: HIGHWAYS

PART 522  
CONTROL OF OUTDOOR ADVERTISING ADJACENT TO  
PRIMARY AND INTERSTATE HIGHWAYS

SUBPART A: GENERAL PROVISIONS

Section	
522.10	Purpose
522.20	Definitions

SUBPART B: PERMIT APPLICATION AND REGISTRATION  
PROCEDURES AND REQUIREMENTS

Section	
522.30	Signs Requiring Permits and Registrations
522.40	Place of Filing
522.50	Permit Application Contents
522.60	Receipt of Application
522.70	Approval of Application
522.80	Denial of Application
522.90	Renewal of Permits
522.100	Registration of Existing Signs

SUBPART C: REVOCATION OF PERMITS

Section	
522.110	Notice of Intent to Revoke
522.120	Reply of Permittee
522.130	Review Procedures
522.140	Issuance of the "30 Day Letter"

SUBPART D: STANDARDS FOR SIGNS

Section	
522.150	Signs that may not be Erected or Maintained
522.160	Standards for Official Notices

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522.170	Standards for Directional Signs
<a href="#">522.175</a>	<a href="#">Standards for Official Signs</a>
522.180	Standards for Signs Advertising the Sale or Lease of Property on which they are Located
522.190	Standards for On Premise Signs
522.200	Standards for Signs in Business Areas
522.210	Standards for Signs Providing Information Relative to Lodging, Food, Outdoor Recreational Facilities or Automotive Service Facilities

## SUBPART E: SIGNS WHICH MAY BE ERECTED WITHOUT A PERMIT

Section	
522.220	Department Notification

## SUBPART F: MISCELLANEOUS PROVISIONS

Section	
522.230	Multiple Signs
522.240	Signs Facing Two or More Highways
522.ILLUSTRATION A	Expressway
522.ILLUSTRATION B	Unzoned Commercial or Industrial Area
522.ILLUSTRATION C	Interchange Spacing
522.ILLUSTRATION D	Spacing Measurement Along Pavement
522.ILLUSTRATION E	Spacing Measurement At Right Angle
522.ILLUSTRATION F	Spacing Measurement On Same Line
522.ILLUSTRATION G	Spacing Measurement Along Curves
522.ILLUSTRATION H	Map of Highway Districts ( <a href="#">Repealed</a> )
522.ILLUSTRATION I	Control Along Intersecting Highways
522.ILLUSTRATION J	Public Airports
522.ILLUSTRATION K	Spacing Measurement Monopole Back-to-Back V-Type
522.ILLUSTRATION L	Spacing Measurement Standard Back-to-Back V-Type
<a href="#">522.ILLUSTRATION M</a>	<a href="#">District Offices and Counties</a>

AUTHORITY: Implementing Sections 9-112.1 and 9-112.2 of the Illinois Highway Code [605 ILCS 5/9-112.1 and 112.2] and Sections 1 through 8 and 10 of the Highway Advertising Control Act of 1971 [225 ILCS 440/1-8 and 10] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01]; implementing Section 1 and authorized by Section 17 of the Airport Zoning Act [620 ILCS 25/1 and 17].

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SOURCE: Amended August 23, 1976; codified at 7 Ill. Reg. 12887; Part repealed, new Part adopted at 12 Ill. Reg. 16163, effective September 27, 1988; amended at 17 Ill. Reg. 7258, effective May 7, 1993; amended at 22 Ill. Reg. 7262, effective April 9, 1998; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 522.20 Definitions**

"Act" means the Highway Advertising Control Act of 1971. [225 ILCS 440]

"Air mile" means a distance of one mile as measured horizontally along a straight line between the sign and activity advertised.

*"Business Area" means any part of an area adjacent to and within 660 feet of the right-of-way which is at any time zoned for business, commercial or industrial activities under the authority of any law of this State; or not so zoned, but which constitutes an unzoned commercial or industrial area. However, as to signs along Interstate highways, the term "business area" includes only areas which are within incorporated limits of any city, village, or incorporated town, as such limits existed on September 21, 1959, and which are zoned for business, industrial or commercial use, or to portions of Interstate highways which traverse other areas where the land use, as of September 21, 1959, was clearly established by State law as business, industrial or commercial. (Section 3.12 of the Act [225 ILCS 440/3.12]) Areas which were zoned as of September 21, 1959 and were not specifically zoned for business, commercial or industrial use as of September 21, 1959 and were outside corporate limits on that date will not be considered business areas along Interstate highways. Areas which were unzoned on September 21, 1959 may qualify as business areas along Interstate highways if the applicant can show, based on contemporaneous historical records of State actions (e.g., State sales tax records, required State license fees, etc.) that the land on September 21, 1959 was and has continuously been used as business, commercial or industrial. Land unzoned on September 21, 1959, used for agricultural and/or farming activities, including but not limited to forestry, ranging, [mining and mineral extraction activities](#), grazing, wayside produce stands and grain storage bins, will not be considered as business, commercial or industrial land uses for purposes of this Part. Additionally, unzoned land used for railroad tracks and minor sidings; transient or temporary activities not involving permanent buildings or structures; outdoor advertising structures; activities not visible from the main-*

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traveled way; ~~and~~ activities conducted in a building principally used as a residence (if the ground floor of the building is more than 50% residence); and activities located in buildings that are not integral to the business operation or that are used to store trade equipment and where business transactions do not take place will not be considered as business, commercial or industrial land uses. ~~will not be considered as business, commercial or industrial land uses.~~

"Code" means the Illinois Highway Code. [605 ILCS 5]

"*Commercial or industrial activities*," as used in the definition of "business area" and "unzoned commercial or industrial area," *means those activities located within 660 feet of the nearest edge of the highway right-of-way generally recognized as commercial or industrial by zoning authorities in this State, such as land use devoted to commerce, industry, trade, manufacturing, highway service, highway business, warehouses, offices or similar uses, but for the purpose of determining unzoned commercial and industrial areas does not include the following:*

*Agricultural, forestry, ranging, mining and mineral extraction activities, grazing and farming activities, including wayside fresh produce stands and grain storage bins;*

*Railroad tracks and minor sidings;*

*Transient or temporary activities not involving permanent buildings or structures;*

*Activities that are conducted in a building that is used to store trade equipment or that is not integral to the business operation where actual business transactions take place;*

*Outdoor advertising structures;*

*Activities not visible from a main-traveled way; and*

*Activities conducted in a building principally used as a residence (if the ground floor of the building is more than 50% residence). (Section 3.10 of the Act)*

"Damaged signs" means signs which require more than fifty percent replacement

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of the uprights, in whole or in part.

"Department" means the Illinois Department of Transportation.

~~"District" means any one of the District offices of the Department's Division of Highways. (See Section 522.Illustration H.)~~

"Directional signs" means signs containing directional information about public places owned or operated by Federal, State or local governments or their agencies; publicly or privately owned natural phenomena; historic, educational, cultural, scientific and religious sites; areas of natural or scenic beauty; or areas naturally suited for outdoor recreation which are deemed to be in the interest of the traveling public.

~~"Director" means the Director of the Division of Highways or the Director's designee.~~

~~"District" means any one of the District offices of the Department's Division of Highways. (See Section 522.Illustration M.)~~

*"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish; but does not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign or sign structure. (Section 3.08 of the Act) Replacing more than fifty percent of the uprights, in whole or in part, or extending the height above ground, or similar activities which substantially change a sign such as anything which makes a sign more valuable; adding lighting, or making the sign bigger are examples, are not normal maintenance or repair.*

*"Expressway" means a primary highway constructed either as a freeway or tollway which has complete control of access. (See Section 522.Illustration A.) (Section 3.04 of the Act)*

"Federal, State or local law" means a Federal or State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State or Federal agency or a political subdivision of a State pursuant to Federal or State constitution or statute.

"Illegal Signs" means signs not in compliance with this Part.

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"Interchange" means a system of interconnecting roadways in conjunction with one or more grade separations, providing for the movement of traffic between two or more roadways on different levels.

*"Interstate highway" means any highway, including a tollway, designated by the Department and approved by the United States Department of Transportation as a part of the National System of Interstate and Defense Highways. A highway becomes a part of the National System of Interstate and Defense highways upon the date of approval of the Route Location Decision and the approval of the addition of the highway to the National System of Interstate and Defense Highways by the Governor and the United States Department of Transportation. (Section 3.02 of the Act)*

*"Main-traveled way" means the traveled way (i.e., pavement) of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas. (Section 3.05 of the Act)*

*"Maintain" means to allow to exist (Section 3.06 of the Act) and includes the periodic changing of advertising messages, customary maintenance and repair of signs and sign structures.*

"Multiple Message Sign" means an outdoor advertising sign that displays a series of message changes, regardless of the technology used. A multiple message sign provides for a fixed message of at least ten seconds in length with a transition time between message changes of three seconds or less. Multiple message signs contain a default design that will freeze the message in one position if a malfunction occurs.

*"Municipality" means a city, village, or incorporated town in the State of Illinois, but, "municipal" or "municipality" does not include a township, town when used as the equivalent of a township, incorporated town which has superseded a civil township, county, school district, park district, sanitary district or any other similar governmental district. (Section 3.09 of the Act)*

*"National Highway System" is a designation provided to certain highways by the Department, which designation must be approved by the United States Department of Transportation and the United States Congress for the purpose of*

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*providing an interconnected system of principal arterial routes that serve major population centers, international border crossings, ports, airports, public transportation facilities, other major travel destinations, and interstate and inter-regional travel and meet national defense requirements.* (Section 3.15 of the Act)

Non-conforming sign and/or sign structure: A registered sign and/or sign structure lawfully in existence as of the effective date of the Highway Advertising Control Act (July 1, 1972), but which thereafter does not conform with the provisions of the Act. The term also includes a lawful sign and/or sign structure rendered non-conforming by its subsequently becoming subject to the terms of the Act, including but not limited to its being adjacent to a highway, and not in a business area, that subsequently comes under control of the Act or a sign and/or sign structure that is rendered non-conforming by subsequent amendment to the Act (except that sign and/or sign structures subject to the amendments of Section 6.01 (Size) and 6.03 (Spacing) of the Act by Public Act 87-1205 shall not be rendered non-conforming, the text of this paragraph notwithstanding). A non-conforming sign and/or sign structure may be repaired, but neither a lawfully erected conforming sign and/or sign structure nor a lawfully erected non-conforming sign and/or sign structure may be compelled to be altered or removed under this Act until just compensation is paid to the sign and/or sign structure owner and the owner or owners of the property on which the sign and/or sign structure is erected.

"Official notices" means service club and religious notices and public service signs.

"Official signs" means signs erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by State or local government agencies or non-profit historical societies are considered official signs.

"On premise signs" means those signs which advertise activities conducted on the property on which they are located. Variety seed signs, fertilizer signs, and other agricultural product signs are not on premise signs unless at least fifty percent of the sign face is devoted to identification of the farm owner or operator. A sale or lease sign which also advertises any product or service not located upon and unrelated to the business of selling or leasing the land on which the sign is located is not an on premise sign.

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"Parkland" means any publicly owned land which is designed or used as a public park, recreation area, conservation area, wildlife or waterfowl refuge or historic site.

*"Primary highway" means any highway, other than an Interstate highway, designated by the Department and approved by the United States Department of Transportation as a part of the Federal-Aid Primary System in existence on June 1, 1991 or any highway other than an Interstate highway that is not on such system that is on the National Highway System. (Section 3.03 of the Act)*

"Public utility signs" means warning signs, informational signs, notices or markers which are erected and maintained by publicly or privately owned public utilities as essential to their operations.

"Responsible Local Officials" means in urbanized areas, principal elected officials of general purpose local governments acting through the Metropolitan Planning Organization designated by the Governor; or in urban areas not within any urbanized area, principal elected officials of general purpose local governments.

"Rest area" means an area or site established and maintained within or adjacent to the highway right of way by or under public supervision or control for the convenience of the traveling public.

"Right-of-way" includes all property, whether it is presently being used for highway purposes or not, either under the jurisdiction of the Department or owned in fee by the State of Illinois or dedicated to the People of the State of Illinois for highway purposes, for which the jurisdiction, maintenance, administration, engineering or improvement of any highway situated thereon has been contracted by the Department to any other highway authority pursuant to Section 4-409 of the Highway Code.

"Scenic area" means any area of particular scenic beauty or historical significance as determined by Federal, State or local officials having jurisdiction over said areas, and includes interests in land which have been acquired for the restoration, preservation and enhancement of scenic beauty.

*"Scenic byway" means that portion of a highway that has been nominated by the Department to the United States Department of Transportation for designation as a National Scenic Byway or All-American Road, and that has received national*

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*designation. "Scenic byway" does not include a section of primary or Interstate highway that traverses a business area at the time of nomination, except in accordance with Section 14.02(a)(5) of the Act. (Section 3.16 of the Act)*

"Secretary" means the Secretary of the Department.

"Service club and religious notices" means signs and notices relating to meetings of not for profit service clubs and charitable associations, or religious services.

*"Sign" means any outdoor sign, display, device, notice, figure painting, drawing, message, placard, poster, billboard, or other thing, which is designated, intended or used to advertise or inform, and of which any part of the existing or intended advertising or informative contents is or will be visible from any place on the main-traveled way of any portion of an Interstate or primary highway and which is within 660 feet of the nearest edge of the right-of-way of such highway. (Section 3.07 of the Act)*

*"Sign" also means any sign described above which is more than 660 feet from the nearest edge of such highway right-of-way, outside of an urban area, visible from any place on the main-traveled way of any portion of such highway and erected with purpose of its message being read from such main-traveled way. (Section 3.07 of the Act)*

"Sign Structure" means the assembled components which make up an outdoor advertising display, including but not limited to uprights, supports, display area and trim.

*"Unzoned commercial or industrial area" means any area adjacent to the right-of-way of a primary highway or an Interstate highway for purposes of Section 522.210, not zoned by any county or municipality and which lies within 600 feet of any commercial or industrial activity. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway. On primary highways other than expressways, but not along Interstate highways for purposes of Section 522.210, where there is an unzoned commercial or industrial area on one side of the road in accordance with the preceding, the unzoned commercial or industrial area shall also include those lands directly opposite on the other side of the highway to the extent of the same dimensions except where such lands are publicly owned or controlled for scenic or recreational purposes. (See Section*

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522.Illustration B.) (Section 3.11 of the Act)

*"Urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in each such state, or an urban place as designated by the Bureau of the Census of the United States having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the Secretary of the United States Department of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.*  
(Section 3.14 of the Act)

*"Visible" means capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity.* (Section 3.13 of the Act)

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: PERMIT APPLICATION AND REGISTRATION  
PROCEDURES AND REQUIREMENTS

**Section 522.30 Signs Requiring Permits and Registrations**

The following types of signs may be erected and maintained only after a permit or registration has been issued by the Department. Further, existing signs erected pursuant to the Act can only be re-erected or altered (outside of normal maintenance activity) subsequent to the receipt of a permit (see Section 522.50, Permit Application Contents).

- a) Signs along Interstate highways that advertise the sale or lease of property on which they are located;
- b) On premise signs located along Interstate highways;
- c) Signs located along Interstate highways that provide information relative to lodging, food, outdoor recreational facilities or automotive service facilities;
- d) Signs in business areas other than directional signs, official signs, official notices, public utility signs, or those non-business area signs described in subsections (a), (b), and (c) above;
- e) Any nonconforming sign listed in subsections (a)-(d) which, after receiving a

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permit or registration, becomes a damaged sign and the owner intends to repair the sign. These signs shall require new permits but shall not require payment of a fee;

- f) Any sign listed in subsections (a)-(d) which, after receiving a permit or a registration, is erected again, is enlarged or extended by the sign owner. These signs shall require new permits and payment of the application fee.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 522.50 Permit Application Contents**

- a) The permit application shall be a form prescribed by the Department. The application shall require the applicant to provide specific information necessary for the District to determine whether a permit should be issued.
- b) The following additional documentation shall be attached to the permit application:
- 1) Verification as to the zoning classification for the proposed sign location. For proposed signs along Interstate highways, the documentation shall show whether the site lies within incorporated limits as they existed on September 21, 1959, and, if not, the land use as it was zoned on September 21, 1959. If the site was not zoned on September 21, 1959, or is not zoned now, this shall be stated.
- A) Verification of zoning classification will consist of an ordinance, certification by the current zoning official ~~and/or~~ any other documentation which shows the zoning classification. The zoning certification must be submitted on the local governing agency's letterhead and must certify to the site's zoning classification as well as to the site's adherence to the September 21, 1959 criteria prescribed in subsection (b)(1) of this Section.
- B) Zoning must be comprehensive. Signs will not be permitted on spot zoned land on which the only possible commercial or industrial use is outdoor advertising. Zoning acceptance, for sign purposes, will require evidence that the sign site is in an area that is adjacent to or in close proximity with commercial or industrial enterprises or the development thereof.

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2) Illinois State Plane Coordinates or reference made to latitude/longitude coordinates for the proposed location as well as a site drawing of the proposed location. The site drawing for business area signs other than on premise signs and signs that advertise the sale or lease of property on which they are located, shall contain at least the following information ~~for signs to be erected outside of the counties of Cook, DuPage, Lake, McHenry, Kane, and Will:~~

- A) The exact location of the proposed sign.
- B) The distance as measured along the edge of the highway pavement between the proposed sign and the nearest existing sign(s) other than on premise signs and signs that advertise the sale or lease of property on which they are located, whether illegal or legal as long as the sign(s) is visible from any place on the main traveled way of the highway regardless of which highway the sign's message is primarily intended to face and, in urban areas, is within 660 feet of the nearest edge of the highway right-of-way. Measured distances between the proposed sign and the nearest existing sign shall be as prescribed in the table in subsection (b)(3).
- C) The distance between the proposed sign and the nearest edge of the highway right-of-way.
- D) For signs located along interstate highways or expressways outside incorporated municipalities, the distance between the proposed sign and the beginning or ending of pavement widening for any interchange within 600 feet.

3) For signs with display area in excess of 150 square feet ~~located in the counties of Cook, DuPage, Lake, McHenry, Kane and Will,~~ the site drawing shall contain all of the information required in subsection (b)(2) of this Section~~above~~, and, in addition, shall be prepared or approved by a land surveyor licensed by the State of Illinois and shall show measured distances between the proposed sign and the nearest existing sign according to the following table:

Type of Highway	Distance (feet)
Interstate	600

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Expressway	600
Primary (Unincorporated Area)	600
Primary (Incorporated Area)	400

- 4) For signs with display area in excess of 150 square feet, a current title commitment or other evidence of title showing ownership of the proposed site.
- 5) Whenever the applicant does not own the proposed site, [a certificate of good corporate standing from the Illinois Secretary of State's Office will be required as well as](#) a fully executed site lease, contract to purchase or other proof of consent to erect and maintain a sign on the site. Leases shall contain all riders. Rents need not be shown. All changes made to the lease, contract to purchase, or consent which are related to the requirements of this Part shall also be submitted to the District. Whenever the lease, contract to purchase or consent is not signed by the property owner, proof of authority shall also be provided. A lease, contract to purchase, or other form of consent to erect and maintain a sign that is subject to a permit being issued by the Department to erect a sign will be considered a valid and binding document. If the lease, contract to purchase or other consent to erect and maintain a sign is terminated prior to the erection of the sign, the permit is void.
- 6) For on-premise signs, a plat or survey shall be provided showing the location of the sign, the location of the activity being advertised, and the distance to the nearest edge of the highway right of way.
- 7) For signs that advertise the sale or lease of property on which they are located, a site drawing shall be provided showing the location of the sign and the distance to the nearest edge of the highway right-of-way.
- 8) For signs described by Section 522.210, the distance in air miles between the proposed sign and the activity advertised.
- 9) A copy of written notice by the applicant to the municipality where the sign is to be located, or to the county where the sign is to be located in an unincorporated area, of the fact that an application has been filed with the Department. A copy of the completed application form shall be forwarded

## DEPARTMENT OF TRANSPORTATION

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to the municipality or county.

- 10) Remittance of the non-refundable application fee by check or money order payable to the Treasurer of the State of Illinois. *As of July 1, 1993, the application fee shall be as follows:*
- A) *For signs of less than 150 square feet, ~~\$100~~\$50;*
  - B) *For signs of at least 150 but less than 300 square feet, ~~\$200~~\$100;*
  - C) *For signs of 300 or more square feet, ~~\$400~~\$200. (Section 8 of the Highway Advertising Control Act of 1971) [225 ILCS 440/8]*

The square feet shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire display area. If one side of the sign provides for more display area than another, the measurements will be made on the larger side.

- 11) For signs to be located along Interstate highways in business areas on parcels of land located in areas which were unzoned on September 21, 1959, proof based on contemporaneous historical records of State actions that the land use on September 21, 1959 was business, commercial or industrial, must be submitted with the permit application.
- 12) When a permit has previously been issued for a specific sign at a specific site and the holder of that permit wishes to change that permitted sign in a manner that would require the issuance of a new permit, the applicant must provide a copy of the original permit application identifying the permit number and application approval. This type of application will also require the following:
- A) A statement that the application is being submitted in order to move or improve an existing permitted sign and that this action will not cause any violations pursuant to the requirements of the Act and this Part.
  - B) The removal of the existing permitted sign will occur prior to the erection of any other sign approved as a result of this permit application.

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- C) All other requirements of the Act and this Part are satisfied without conditions.
- c) The applicant shall certify that all of the information provided is true and accurate and that the applicant is not the owner of an abandoned or illegal sign as defined by this Part. This certification shall be supported by an oath or affirmation acknowledged by a notary public.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 522.80 Denial of Application**

- a) If a review of the application or a site investigation reveals that the permit application is incomplete, contains incorrect information or is not in compliance with the requirements of the Act or this Part, or that the applicant is the owner of an abandoned or illegal sign, then the District shall notify the applicant in writing by certified mail of its intent to deny the permit application and state the reasons for that action. The notification shall inform the applicant that he/she has thirty calendar days from the date of receipt of the notification to challenge the intent to deny or to correct the deficiencies noted. No time extensions will be permitted. The challenge shall be made in writing, state the position of the applicant, the facts in support of that position and shall contain any relevant documentation. The challenge must be received in the District office within the thirty day period. The District will review the challenge and shall either approve or deny the application based on the requirements of this Part. No appeal may be taken from the District's decision on the challenged application. The applicant's priority will be retained pending the District's final decision. Only one application per applicant will be processed for the same site or any site within 500 feet of the site along an Interstate, expressway or a primary highway outside a municipality, or within 300 feet along a primary highway within a municipality, for which a permit application is submitted prior to the final decision by the District.
- b) If, after consideration of the challenge, the District approves the application, the procedures in Section 522.70 shall apply. If, after consideration of the challenge, the District denies the application, it shall be marked "denied" on its face and the reason for denial stated on the application. The District shall notify the permittee of the denial by sending a copy of the denied application ~~and refunding the application fee.~~
- c) The permittee shall be deemed to have waived the right to challenge if the

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challenge is not filed in the time specified in subsection (a) of this Section above. In such case, the application will be denied and be processed in the same manner as an application denied with a challenge.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 522.90 Renewal of Permits**

- a) Signs must be erected within two years after one hundred eighty days of the date the permit is issued. If a sign is not erected within two years, the permit will become void, and the applicant will be required to wait 60 calendar days before a new application for that site can be submitted and considered. The permittee shall apply for a renewal permit in the event the sign is not erected within this period. The permit application requirements in this Subpart shall apply to renewal of permits.
- b) *Upon a change in permittee or sign ownership, the new permittee or owner of the sign shall notify the District of the sign permit or registration number and the old and new permittee or sign owners' names within sixty days after the change in permittee or sign ownership. No application fee is required under these circumstances. Any permit or registration not so renewed shall become revocable in accordance with the provisions of Subpart C (Section 8 of the Act).*

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: REVOCATION OF PERMITS

**Section 522.130 Review Procedures**

- a) Proceedings
- 1) In response to the timely receipt of the permittee's reply ~~Reply~~ requesting a review, the District will ~~shall~~ notify the Director ~~of Highways~~ within 14 ~~calendar~~ ~~ten~~ days that a request for review ~~Review Request~~ has been received. The District will also send a copy of the written notice to the permittee by certified mail. A copy of the notification shall also be sent to the permittee.
  - 2) Within 28 calendar days after the permittee's receipt of the District's notice to the Director, the permittee shall submit ~~The District and the permittee~~

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~~shall submit~~, to the Director ~~in duplicate its~~ of Highways or designee, written ~~argument~~ arguments ~~in duplicate~~ supporting ~~its~~ their positions within thirty days of the Review Request being received by the Director of Highways. The permittee shall also send a copy of its argument to the District by certified mail.

- ~~A) Written arguments must contain proposed findings of fact and conclusions of law.~~
- ~~B) The Director of Highways or designee will provide the District and the Permittee with a copy of the opposing parties written arguments.~~
- ~~C) Written rebuttal arguments will be considered only if received in duplicate by the Director of Highways or designee within 15 days after the date each party receives the opposing party's written arguments. A copy of these rebuttal arguments will also be provided to each party by the Director of Highways or the Director's designee.~~
- ~~D) The Director of Highways or designee may hold a conference if it is necessary to adjudicate conflicting facts or to simplify relevant issues. Conferences may be held in person or by telephone.~~

- 3) Within 28 calendar days after the District's receipt of the permittee's argument, the District will submit to the Director in duplicate its written argument and response to the permittee's argument supporting its positions. The District is responsible for assembling the record for review and will include the record for review with its argument to the Director. The District will also send a copy of its argument and response and the record for review to the permittee by certified mail.
- 4) Within 14 calendar days after receipt of the District's argument and response and the record for review, the permittee shall submit to the Director in duplicate its written rebuttal argument to the District's argument and response. The permittee's rebuttal argument shall only address the District's argument and response and shall not introduce new theories on the disputed matter. The permittee shall also send a copy of its rebuttal argument to the District by certified mail.

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- 5) The Director may hold a conference if it is necessary to adjudicate conflicting facts or to simplify relevant issues. Conferences may be held in person or by telephone.
- 6)3) Within 28 calendar30 days after receipt of arguments, rebuttal argument, and exhibits and a conference, if one is held, the Director of Highways or designee shall render the decision and promptly notify the District and the permittee in writing by certified mail of the decision.
- A) The decision will be based on the written arguments, rebuttal argument, the fact finding conference, and relevant exhibits.
- B) All ex parte communications with the Director of Highways or designee pertaining to the reviewReview will be promptly summarized and communicated in writing to the opposing partiesuniformed party(ies).
- 7) Written arguments and written rebuttal arguments must contain proposed findings of fact and conclusions of law.
- 84) If the permittee fails to submit a written argumentarguments or does not submit ithem within the 28 calendar30 day period, the resultant decision will be that the allegation or allegations as set forth in the Notice of Intent to Revoke Permit are true, correct, and proven.
- 95) If the District fails to submit a written argumentarguments or does not submit ithem within the 28 calendar30 day period, the resultant decision will be that the allegation or allegations as set forth in the Notice of Intent to Revoke Permit are unproven.
- 10) If the permittee fails to submit a written rebuttal argument within the 14 calendar day period, the rebuttal argument will not be considered.
- 11) The Director may extend deadlines prescribed in this Section upon a written request by either the permittee or the District.

## b) Departmental Action Following Review

- 1) If a sign has been found to be unlawful, the Department shall issue a "30 day letter" as provided in Section 522.140.

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- 2) If a sign has been found to be in compliance with this Part, the permit will be considered lawful.
- 3) If the Director ~~of Highways or designee~~ finds that insufficient information has been provided, he/she shall direct the parties to supply the needed information so that a decision can be rendered.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: STANDARDS FOR SIGNS

**Section 522.150 Signs that may not be Erected or Maintained**

The following signs shall not be erected or maintained:

- a) Signs located within the right-of-way of an Interstate or primary highway or on any *structure, wire, cable, or other device over or above* an Interstate or primary highway right-of-way *except* the following:
  - 1) *Signs designating the name of the railroad* which owns the bridge.
  - 2) *Signs designating the clearance provided* (Section 9-112.1 and 9-112.2 of the Code) by the bridge.
  - 3) Public utility signs.
  - 4) Signs required by the Code.
  - 5) Signs required by the Illinois Vehicle Code. [625 ILCS 5]
  - 6) Signs, displays and devices giving specific information in the interest of the traveling public erected and maintained by the Department or by the Illinois State Toll Highway Authority.
- b) Signs ~~that~~*which* *attempt or appear to attempt to direct the movement of traffic or which contain wording, color or shape which is similar to official traffic control signs or other traffic control devices.* (Section 9-112.2 of the Code)
- c) Signs ~~that~~*which* *contain oscillating, rotating, flashing, intermittent or moving*

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*light or lights* (Section 9-112.2 of the Code), except the following:

- 1) Signs *giving public service information* including but not limited to *time, weather, date and temperature* (Section 6.02(a) of the Act) and multiple message signs with displays that change not more frequently than once every 10 seconds~~60 minutes~~.
- 2) *Pole supported business or brand identification signs* inside business areas with constant illumination and color and in which the only movement is a slow rotation of the entire body of the sign so as to be visible from all directions. (Section 9-112.2 of the Code)
- 3) On premise signs which comply with Section 522.190(g).
- d) Signs ~~that~~which are *erected, painted or drawn upon trees, rocks or other natural features*. (Section 5 of the Act)
- e) Signs ~~that~~which are obsolete (i.e., advertises something that is no longer there), abandoned (i.e., where no message or display appears for one year, unless such display advertises the availability of the sign), or *structurally unsafe or in disrepair* (Section 5 of the Act), unless such structural conditions may be repaired in accordance with the provisions of the Act, and the sign owner agrees in writing to make the repairs within 30 days after receipt of the notice to remove.
- f) Signs ~~that~~which project *beams or rays of light at the travelled way of a State highway or cause such beams or rays to create glare or to impair the vision of a driver of any motor vehicle*. (Section 6.02(b) of the Act)
- g) Signs ~~that~~which are *located within 1,000 feet of official traffic signs, signals, or devices and obscure or interfere with a driver's view of such sign, signal or device*. (Section 6.03(a) of the Act)
- h) Signs ~~that~~which are *located within 1,000 feet of approaching, merging or intersecting traffic and obscure or interfere with a driver's view of such traffic*. (Section 6.03(a) of the Act)
- i) Signs ~~that~~which require a permit for erection or registration under this Part and for which no permit or registration has been issued.
- j) Signs ~~that~~which advertise activities that are illegal under Federal, State or local

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law in effect at the location of those signs or activities.

- k) Signs ~~(other than multiple message signs) that~~~~which~~ contain any *animated or moving parts*. (Section 4.02(g) of the Act)
- l) Signs ~~that~~~~which~~ violate airport hazard zoning regulations adopted by the Department pursuant to the Airport Zoning Act. [620 ILCS 25] (See Section 522.Illustration J.)
- m) *Signs erected adjacent to a scenic byway that is a primary or Interstate highway after August 2, 1996, except those signs described in Sections 4.01, 4.02, 4.03, 4.06 and 4.08 of the Act.* (Section 5(d) of the Act)

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 522.160 Standards for Official Notices**

In addition to the standards set forth in Section 522.150, the following standards apply to ~~religious~~~~official~~ notices, service club notices, and public service signs.

- a) Service club and religious notices shall not exceed 8 square feet in area.
- b) Public service signs may be located only on school bus stop shelters which are authorized by and are located at places approved by city, county or state law, regulation or ordinance. Only safety slogans or messages may be displayed on the sign and such slogans or messages shall occupy not less than fifty percent of the sign area. The remaining fifty percent may contain only the identity of the donor, sponsor or contributor of the shelter. Such signs may not exceed thirty-two square feet in area. Not more than one sign on each shelter shall face in any one direction.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 522.175 Standards for Official Signs**

No standards other than those set forth in Section 522.150 of this Part shall apply to official signs.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 522.190 Standards for On Premise Signs**

In addition to the standards set forth in Section 522.150, the following standards shall apply to on premise signs located along Interstate highways outside business areas.

- a) *There may not be more than one such sign located more than 50 feet from the advertised activity designed to attract traffic proceeding in any one direction. (Section 4.03(a) of the Act)*
- b) *No such sign visible to traffic and located more than 50 feet from the advertised activity which displays any trade name referring to or identifying any service rendered or product sold, used or otherwise handled, may be permitted unless the name of the advertised activity is displayed as conspicuously as such trade name. This restriction does not apply if the trade name identifies or characterizes places for lodging, eating, telephone facilities, vehicle service and repair, or identifies vehicle equipment, parts, accessories, fuels, oils or lubricants being offered for sale at such places. (Section 4.03(b) of the Act)*
- c) *No such sign which is located more than 50 feet from the activities conducted upon the property where the sign is located may exceed 20 in length, width or height or 150 square feet in area, including border and trim, but excluding supports. (Sections 4.03(b) and (c) of the Act)*
- d) No such sign shall be erected or maintained by a lessee on property that is not being leased for lessee's advertised activity.
- e) Such signs may be erected and maintained by persons who operate the business which is advertised on property contiguous with the property where the advertised activity is located as long as the parcels of land where the sign and business are located are owned by the same entity or person.
- f) No such sign will be considered part of or contiguous with the premises on which the advertised activity is conducted if its location, configuration, use or purpose indicates an attempt to circumvent the intent of the Act. Some examples of attempts to circumvent the intent of the Act include but are not limited to erecting signs on easements or narrow strips of land.
- g) *No such sign may be erected or maintained which contains, includes, or is illuminated by any flashing, intermittent or moving light or lights except those which may be changed at reasonable intervals [\(see Section 522.20, "Multiple](#)*

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| Message Sign) by *electronic process or by remote control as long as these do not*  
| *interfere with the effectiveness of an official traffic control device.* (Section  
| 4.03(~~ee~~) of the Act)

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION

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| **Section 522.ILLUSTRATION H Map of Highway Districts (Repealed)**

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

**DISTRICT 1**  
 201 WEST CENTER COURT  
 (INSIDE DELIVERY)  
 SCHAUMBURG, ILLINOIS 60196-1096  
 PHONE: 847/705-4000

**DISTRICT 2**  
 819 DEPOT AVENUE  
 DIXON, ILLINOIS 61021-3546  
 PHONE: 815/284-2271

**DISTRICT 3**  
 700 EAST NORRIS DRIVE  
 P.O. BOX 697  
 OTTAWA, ILLINOIS 61350-0697  
 PHONE: 815/434-6131

**DISTRICT 4**  
 401 MAIN STREET  
 PEORIA, ILLINOIS 61602-1111  
 PHONE: 309/671-3333

**DISTRICT 5**  
 STATE HIGHWAY BUILDING  
 ROUTE 133 WEST - P.O. BOX 610  
 PARIS, ILLINOIS 61944-0610  
 PHONE: 217/465-4181

**DISTRICT 6**  
 126 EAST ASH STREET  
 SPRINGFIELD, ILLINOIS 62704-4766  
 PHONE: 217/782-7301

**DISTRICT 7**  
 STATE HIGHWAY BUILDING  
 400 WEST WABASH  
 EFFINGHAM, ILLINOIS 62401-2699  
 PHONE: 217/342-3951

**DISTRICT 8**  
 1102 EASTPORT PLAZA DRIVE  
 COLLINSVILLE, ILLINOIS 62234-6198  
 PHONE: 618/346-8100

**DISTRICT 9**  
 STATE TRANSPORTATION BUILDING  
 P.O. BOX 100  
 CARBONDALE, ILLINOIS 62903-0100  
 PHONE: 618/549-2171

JANUARY 1997

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(Source: Repealed at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Section 522.ILLUSTRATION M District Offices and CountiesDistrict 1

201 West Center Court  
Schaumburg IL  
60196-1096  
847/705-4411

Cook, DuPage, Kane, Lake,  
McHenry and Will

District 2

819 Depot Avenue  
Dixon IL 61021-3500  
815/284-5395

Boone, Carroll, Henry, JoDavies,  
Lee, Ogle, Rock Island, Stephenson,  
Winnebago and Whiteside

District 3

700 East Norris Drive  
Ottawa IL 61350  
815/434-8417

Bureau, DeKalb, Ford, Grundy,  
Iroquois, Kankakee, Kendall,  
LaSalle and Livingston

District 4

401 Main  
Peoria IL 61602  
309/671-4460

Fulton, Henderson, Knox, Marshall,  
McDonough, Mercer, Peoria,  
Putman, Stark, Tazewell, Warren and  
Woodford

District 5

13473 IL Hwy. 133  
P.O. Box 610  
Paris IL 61944  
217/466-7234

Champaign, DeWitt, Douglas, Edgar,  
McLean, Piatt and Vermilion

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District 6

126 East Ash  
Springfield IL  
62704-4792  
217/782-7314

Adams, Brown, Cass, Christian,  
Hancock, Logan, Macoupin, Mason,  
Menard, Montgomery, Morgan, Pike,  
Sangamon, Schuyler and Scott

District 7

400 West Wabash  
Effingham IL  
62401  
217/342-8261

Clark, Clay, Coles, Crawford,  
Cumberland, Effingham, Fayette,  
Jasper, Lawrence, Macon, Moultrie,  
Richland, and Shelby

District 8

1102 EastPort Plaza  
Collinsville IL  
62234  
618/346-3250

Bond, Calhoun, Clinton, Greene,  
Jersey, Madison, Marion, Monroe,  
Randolph, St. Clair and Washington

District 9

State Transportation  
Building  
2801 West Murphysboro  
P.O. Box 100  
Carbondale IL  
62903  
618/351-5240

Alexander, Edwards, Franklin,  
Gallatin, Hamilton, Hardin, Jackson  
Jefferson, Johnson, Massac, Perry,  
Pope, Pulaski, Saline, Union,  
Wabash, Wayne, White and  
Williamson

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Victims' Economic Security and Safety Act
- 2) Code Citation: 56 Ill. Adm. Code 280
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
280.300	Amended
280.310	Amended
280.320	Repealed
280.400	Amended
- 4) Statutory Authority: 820 ILCS 180
- 5) Effective Date of Amendments: March 23, 2006
- 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: 29 Ill. Reg. 19118; November 28, 2005
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Minor non-substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this 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: The adopted rulemaking clarifies that a private right of action does not exist under the statute. Other amendments include the elimination of informal hearings in order to process cases quicker and more efficiently to the formal administrative hearing stage.

DEPARTMENT OF LABOR

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

Valerie A. Puccini  
Assistant General Counsel  
Illinois Department of Labor  
160 N. LaSalle Street, C-1300  
Chicago, IL 60601

312/793-7838

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

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER b: REGULATION OF WORKING CONDITIONSPART 280  
VICTIMS' ECONOMIC SECURITY AND SAFETY ACT

## SUBPART A: GENERAL PROVISIONS

Section	
280.100	Purpose and Scope
280.110	Definitions
280.120	Application
280.130	Independent Contractor Exemption
280.140	Records Retention and Release

## SUBPART B: COMPLAINT

Section	
280.200	Persons Who May File a Complaint
280.210	Requirements for Filing a Complaint
280.220	Confidentiality
280.230	Incomplete Complaint
280.240	Amendment of Complaint

## SUBPART C: PROCEDURE IMMEDIATELY AFTER COMPLAINT

Section	
280.300	Withdrawal, Settlement, Waiver and Consents
280.310	Presentation of Parties' Information
280.320	Duplicative Issues or Inconsistent Rulings ( <a href="#">Repealed</a> )

## SUBPART D: ADMINISTRATIVE CASE REVIEW

Section	
280.400	Investigation
280.410	Decision by the Department
280.420	Enforcement Procedures

## SUBPART E: FORMAL ADMINISTRATIVE HEARING

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

Section  
280.500 Procedures in Formal Administrative Hearing

AUTHORITY: Implementing the Victims' Economic Security and Safety Act of 2003 [820 ILCS 180].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 1017, effective December 29, 2003; adopted at 28 Ill. Reg. 7626, effective May 24, 2004; amended at 30 Ill. Reg. 6157, effective March 23, 2006.

## SUBPART C: PROCEDURE IMMEDIATELY AFTER COMPLAINT

**Section 280.300 Withdrawal, Settlement, Waiver and Consents**

- a) A complaint may be voluntarily withdrawn at any time.
- b) Complainant and a respondent may settle at any time.
- c) Any party may waive a public hearing at any time after the time for filing a response has passed.
- d) At any time, the parties may enter into a consent ~~decree findings, rules and orders~~ under 56 Ill. Adm. Code 120.540.
- e) Any withdrawal, settlement or ~~consent decree~~ ~~Consent Order~~ will not affect the processing of a complaint made by any other complainant, the allegations of which are similar or related to the individual allegations settled.

(Source: Amended at 30 Ill. Reg. 6157, effective March 23, 2006)

**Section 280.310 Presentation of Parties' Information**

- a) At the time of filing of the complaint, the Department may determine initially whether the allegations in the complaint sufficiently state a claim under the Act so that the Department can proceed with the investigation.
- b) If, at the time of filing, or at any subsequent time, it is determined that there is a lack of jurisdiction, the complaint shall be denied. Upon the specific request of either of the parties, or on its own motion, the Department may recommend to the

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

Director the denial of the complaint. All parties shall be notified of the denial of the ~~complaint~~**Complaint** pursuant to the Administrative Procedures Act.

- c) If the Department determines jurisdiction appears to exist, the Department shall promptly serve upon each respondent a copy of the complaint with a written notice setting forth the rights and obligations of the parties. The notice shall be served by U.S. regular mail.
- d) Each respondent must remit a written response to the complaint within 21 calendar days after the date the Department forwarded the complaint. The response shall be signed by a duly authorized individual representative and shall include a complete, accurate and responsive explanation to the claim necessary and appropriate to the Department's investigation, specifying any defenses and any disputed and undisputed facts. If a respondent relied on any record for the response, the respondent shall submit a copy of that record. Failure, without good cause, of a respondent to submit an appropriate response to the Department may result in a finding of a failure to cooperate with the Department.
- e) Upon receipt of a respondent's response, the Department is to forward the response to the complainant. Complainant shall submit a rebuttal to the Department within 21 calendar days after the date the Department forwarded the response of the respondent. ~~At least 10 calendar days before an informal conference, the Department will provide to the respondent a copy of the complainant's rebuttal.~~ Failure, without good cause, of the complainant to submit timely a rebuttal to the Department may result in a finding of a failure to cooperate or may be deemed to be a waiver of all proceedings before the Director and will permit a final order denying the complaint.

(Source: Amended at 30 Ill. Reg. 6157, effective March 23, 2006)

**Section 280.320 Duplicative Issues or Inconsistent Rulings (Repealed)**

~~When the Department becomes aware that there is a complaint pending in federal or State court containing some or all of the issues before the Department, it may make a determination whether there is the possibility of inconsistent findings or rulings. At any time, the Department may recommend to the Director dismissal of those issues and continue, if feasible, to process the remaining issues. If all issues are being litigated, then denial of the entire complaint may be considered. The parties will be afforded an opportunity to contest the denial.~~

(Source: Repealed at 30 Ill. Reg. 6157, effective March 23, 2006)

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART D: ADMINISTRATIVE CASE REVIEW

**Section 280.400 Investigation**

- a) The Department may conduct an investigation to ascertain the facts relating to the violation alleged in the complaint, to determine whether reasonable cause exists to believe a violation of the Act has occurred and to determine whether the issues may be resolved between the parties. The investigation may be in person or by telephone and may include written or oral inquiry, field visit ~~or an informal conference~~ or any method or combination of methods deemed suitable in the discretion of the Department. The Department will limit its investigation to reviewing up to three years prior to the date the complaint was filed, but in no case shall review occur prior to the effective date of the Act, August 25, 2003.
- b) The parties must cooperate fully with the Department at all times as provided for in this Part. Such cooperation shall include without limitation:
  - 1) promptly providing the Department with a notice of address or telephone change or any prolonged absence from the current address so that the parties can be located;
  - 2) providing necessary information and being available for interviews, conferences and hearings upon reasonable notice or request by the Department. If the parties cannot be located or do not respond to reasonable requests by the Department, without good cause, such action may result in a finding of a failure to cooperate with the Department.
- c) If, at any time, a party fails to cooperate with the Department under this Part, the Department, upon seven calendar days notice to all parties, may make a part of the official record a finding of failure to cooperate. If a finding of a failure to cooperate is made, the Department may make such recommendations as are appropriate to the Director, including denial of the complaint, or other order, including provision of discovery, including subpoenas or depositions, or affirmative action under the Act.
- d) The Department, on its own or at the request of a party or a witness, may issue an appropriate protective order. The order may be issued at any time and shall be for the purpose of preventing a clearly unwarranted invasion of personal privacy or other disclosure of confidential information, including, without limitation,

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

documents, home addresses or names of individuals. The order may apply, where relevant, to nonparties and other parties. Further, the order may be subject to being modified or vacated by a court of competent jurisdiction.

- e) ~~The Department may convene an informal conference for the purpose of obtaining evidence, identifying the issues in dispute, ascertaining the positions of the parties and exploring the possibility of settlement. The informal conference will be limited in scope to those issues the Department believes to be in question.~~
- f) ~~Notice of the conference shall be given to all parties at least ten calendar days prior to the conference and shall identify the individuals requested to attend on behalf of each party.~~
- g) ~~At an informal conference, an individual may be represented only by himself or herself or by an attorney at law. Further, a corporation or government agency, or other similar employer, may be represented only by an employee, officer or attorney at law. The Department may permit a party to have available witnesses, a translator and/or other supportive person, including a relative or a representative of a union or of a victim services organization. Nothing in the Act or this Part shall be construed as to allow the unauthorized practice of law.~~
- h) ~~Parties shall be prepared to proceed at the informal conference. A request by one party for a continuance may be granted prior to the conference if the request is in writing, with notice to the other party, and the Department grants permission. Otherwise, a request for a continuance may be made in person by any individual to the Department at the time of the conference with proof that the party notified or attempted to notify the other party in advance of the conference of the intent to ask for a continuance. The continuance will be granted only upon a showing of good cause. Good cause may be shown by, without limitation, the failure of a party to receive notice of the informal conference, the inability of a party to produce a material witness or relevant evidence, the illness or death of a party or counsel, the sudden and unexpected unavailability of counsel and substitution of counsel.~~
- i) ~~The Department shall conduct the informal conference and control the proceedings. No tape recordings, stenographic report or other verbatim record of the conference shall be made. If any person, including a party, fails to cooperate at the conference, including becoming so disruptive or abusive that a full and fair conference cannot be conducted, the Department shall exclude the person from~~

## DEPARTMENT OF LABOR

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~~the conference. If a party fails to cooperate, a finding of failure to cooperate may result.~~

j) ~~Telephone Conferences~~

1) ~~Written requests to participate in an informal conference by telephone must be received by the Department's Chicago office no later than six calendar days prior to the conference date. The request shall be in writing and state a compelling reason why the party needs to participate by telephone and the name, address and telephone number of the person to be contacted.~~

2) ~~A party shall not consider its request granted unless the party receives written notice of the Department's approval prior to the conference date.~~

3) ~~In no event shall any party be able to participate in an informal conference through an electronic pager.~~

k) ~~If a party appears at an informal conference or formal administrative hearing, exclusively through an attorney or other representative unfamiliar with the events at issue, the Department shall make a finding of a failure to cooperate, unless the representative is seeking, in good faith, a continuance or, with respect to a respondent, the respondent establishes that it does not employ or control any person with knowledge of the events at issue.~~

(Source: Amended at 30 Ill. Reg. 6157, effective March 23, 2006)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pick(n)Pools
- 2) Code Citation: 11 Ill. Adm. Code 308
- 3) 

<u>Section Number:</u>	<u>Adopted Action:</u>
308.40	Amended
308.90	Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: April 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 19125; 11/28/05
- 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 letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking addresses the situation when a thoroughbred race scheduled for the turf is taken off the turf and run on the dirt track. Currently, if a horse is scratched, the wagering fan receives the post-time favorite. This rulemaking would make all wagering fans who had a pick (n) wager when one of the races was taken off the turf a winner for that race only.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Illinois Racing Board  
100 West Randolph  
Suite 7-701  
Chicago, Illinois 60601  
Attn: Mickey Ezzo

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULESPART 308  
PICK (N) POOLS

Section	
308.10	Pick (n)
308.20	Pool Calculations
308.30	Dead Heats
308.40	Scratches
308.50	Cancellation of Races
308.60	Carryover Cap
308.70	Mandatory Distribution
308.80	Disclosure
308.90	Pick 3 Pools

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

SOURCE: Adopted at 18 Ill. Reg. 7433, effective May 8, 1994; amended at 19 Ill. Reg. 5039, effective April 1, 1995; amended at 30 Ill. Reg. 6165, effective April 1, 2006.

**Section 308.40 Scratches**

- a) Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the closing of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
- b) Once wagering has closed for the first race of a Pick (n) Pool, if a race is moved from the turf course to the dirt track, then all ticket holders are considered winners for that race for the Pick (n) Pool. If this occurs in any leg of a Pick (n) Pool, the

## ILLINOIS RACING BOARD

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carryover from previous performances shall not be included in the distribution unless the pool has been designated as a mandatory distribution.

(Source: Amended at 30 Ill. Reg. 6165, effective April 1, 2006)

**Section 308.90 Pick 3 Pools**

- a) The Pick 3 requires selection of the first-place finisher in each of three specified contests.
- b) The net Pick 3 pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - 1) As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then
  - 2) As a single price pool to those who selected the first-place finisher in any two of the three contests; but if there are no such wagers, then
  - 3) As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then
  - 4) The entire pool shall be refunded on Pick 3 wagers for those contests.
- c) If there is a dead heat for first in any of the three contests involving:
  - 1) contestants representing the same betting interest, the Pick 3 pool shall be distributed as if no dead heat occurred.
  - 2) contestants representing two or more betting interests, the Pick 3 pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.
- d) Should a betting interest in any of the Pick 3 contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests

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which became winners as a result of the substitution, in addition to the normal winning combination.

- e) Once wagering has closed for the first race of a Pick (n) Pool, if a race is moved from the turf course to the dirt track, then all ticket holders are considered winners for that race for the Pick (n) Pool. If this occurs in any leg of a Pick (n) Pool, the carryover from previous performances shall not be included in the distribution unless the pool has been designated as a mandatory distribution.
- f) If two or three Pick 3 contests are cancelled or declared "no contest", the entire pool shall be refunded on Pick 3 wagers for those contests.
- gf) If one of the Pick 3 contests is cancelled or declared "no contest", the Pick 3 pool will remain valid and shall be distributed in accordance with subsection (b)(2).

(Source: Amended at 30 Ill. Reg. 6165, effective April 1, 2006)

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Universities Retirement
  - 2) Code Citation: 80 Ill. Adm. Code 1600
  - 3) Section Number: 1600.122                      Proposed Action:  
New Section
  - 4) Statutory Authority: 40 ILCS 5/15-177
  - 5) Effective Date of Amendment: March 21, 2006
  - 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) Notices of Proposed Published in the Illinois Register: December 2, 2005; 29 Ill. Reg. 19517
  - 10) Has JCAR issued a Statement of Objection to this amendment? No
  - 11) Differences between proposal and final version: None
  - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
  - 13) Will this amendment replace any emergency amendment currently in effect? No
  - 14) Are there any amendments pending on this Part? Yes
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u>   |
|------------------------|------------------------|-------------------------------------|
| 1600.139               | New Section            | 29 Il. Reg. 15781; October 21, 2005 |
| 1600.125               | New Section            | 29 Il. Reg. 15509; October 14, 2005 |
- 15) Summary and Purpose of Amendment: Implementation of procedures for administering the changes associated with Public Act 94-4, specifically the billing of employers for benefit increases resulting from earnings increases in excess of 6% during the final rate of earnings period.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

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

Albert Lee, Assistant General Counsel  
State Universities Retirement System  
1901 Fox Drive,  
Champaign IL 61820

(217) 378-7516 or (217) 378-8855

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

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS  
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600  
UNIVERSITIES RETIREMENT

## SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.55	Election to Make Contributions Covering Periods of Military Leave
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.121	Determination of Final Rate of Earnings Period
<u>1600.122</u>	<u>Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%</u>
1600.123	Part-time/Concurrent Service Adjustments
1600.130	Procurement
1600.137	Overpayment Recovery
1600.140	Making Preliminary Estimated Payments

## SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System

## STATE UNIVERSITIES RETIREMENT SYSTEM

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1600.154	Modified QILDROs
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO
1600.157	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158	Alternate Payee's Address
1600.159	Electing Form of Payment
1600.160	Automatic Annual Increases
1600.161	Expiration of a QILDRO
1600.162	Reciprocal Systems QILDRO Policy Statement
1600.163	Providing Benefit Information for Divorce Purposes

## 1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006.

## SUBPART A: MISCELLANEOUS PROCEDURES

**Section 1600.122 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%**

Purpose. This Section implements 40 ILCS 5/15-155(g).

- a) Calculation of the Employer Cost. This calculation is made where a monthly benefit is calculated from the participant's final rate of earnings (FRE). Where the

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENT

monthly benefit exceeds the "Base Amount", the "present value of the increase in benefits" described in Section 15-155(g) will be calculated as follows:

- 1) The "Base Amount" is calculated by limiting earnings, as defined in Section 15-111, for every academic year in the final rate of earnings period as defined in Section 15-112 to 106% of the earnings paid in the prior academic year. Where the final rate of earnings for a participant is the average annual earnings during the 48 consecutive calendar month period ending with the last day of final termination of employment, any partial academic year at the beginning of the final rate of earnings period will be disregarded.
  - 2) If the participant had employment with more than one employer during the final rate of earnings period, the monthly benefit and the base amount are calculated separately for each employer using only the earnings with that employer.
  - 3) The Base Amount is subtracted from the monthly benefit to determine the "Benefit Increase".
  - 4) The "Employer Cost" equals the actuarial present value of the Benefit Increase. This calculation will be made by using actuarial tables provided by the System's actuary from time to time. The actuarial table used will correspond with the type of monthly benefit that is provided to the participant. A single-life annuity table will be used where a Traditional Benefit Package participant has no eligible survivor at the time of retirement.
- b) Employer Billing.
- 1) Initial Notice. After finalizing a participant's benefit, the System will send a notice to an employer containing the Employer Cost and the earnings from which the Employer Cost was derived. The notice will state that employer will be billed for the Employer Cost with respect to the participant's benefit on the 15<sup>th</sup> day (or the following business day if the 15<sup>th</sup> day falls on a holiday or a weekend) of the second calendar month following the date of the notice. For example, if the notice is dated January 10, 2006, the employer will be billed on March 15, 2006.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENT

- 2) The employer will have 30 days from the date of the notice during which it may contest the earnings stated in the notice pursuant to the administrative hearing procedures set forth in Section 1600.80 of this Part as if the employer were a "participant, annuitant, or beneficiary" under that Section.
  - 3) Billing. The bill for the Employer Cost will be sent on the 15<sup>th</sup> day (or the following business day if the 15<sup>th</sup> day falls on a holiday or a weekend) of the second calendar month following the date after the notice. The employer must pay the lump-sum amount specified in the bill within 30 days after its receipt, except as to any contested amounts. The employer must pay any contested amount within 30 days after a final non-appealable decision.
- c) Grandfathering. 40 ILCS 5/15-155(g) does not apply to earnings increases paid to participants under contracts or collectively bargained agreements entered into, amended, or renewed before June 1, 2005. Such contracts are "grandfathered". For the purposes of this Section:
- 1) A contract or collective bargaining agreement is entered into, amended or renewed on the earliest of the following:
    - A) the date the governing body of the employer voted to accept the contract or collective bargaining agreement;
    - B) the date the contract or collective bargaining agreement was executed in final form by the parties; or
    - C) the date the parties to the contract or collective bargaining agreement reached a tentative agreement regarding the terms of the contract or collective bargaining agreement, and that tentative agreement is approved by the governing body of the employer on or after June 1, 2005, without any change to its terms, other than pursuant to modifications that do not alter the grandfathered status of the contract or collective bargaining agreement.
  - 2) A contract or collective bargaining agreement will not exempt earnings increases paid under the contract or agreement if the contract or agreement is amended or renegotiated after June 1, 2005, to have the effect of:

## STATE UNIVERSITIES RETIREMENT SYSTEM

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- A) increasing the earnings usable for the FRE (except where the increase is the result of a salary reopener provision, which provision was a part of the contract or collective bargaining agreement prior to June 1, 2005); or
- B) extending the expiration date of the contract (in such case, the earnings will be exempted only through the original expiration date of the contract).
- 3) A contract exception made by an employer for an individual shall remove that individual's earnings increases from the exemption but shall not invalidate the contractual exemption for any other persons. A memorandum of understanding between the employer and the collective bargaining unit to increase the credit hours available shall not invalidate the contract, but any earnings increases because of the increased credit hours shall not be exempt from the calculation under subsection (a) of this Section.
- 4) When a member has given notice to the employer of his or her intent to retire pursuant to the terms of a grandfathered contract or collective bargaining agreement, earnings provided pursuant to the contract or agreement shall be exempt from employer contributions so long as the earnings are provided to the member within four years after the expiration date of the contract or collective bargaining agreement, unless a different time period is otherwise specifically provided for in the contract or collective bargaining agreement and the time period was a part of the contract or agreement prior to June 1, 2005.

(Source: Added at 30 Ill. Reg. 6170, effective March 21, 2006)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
APRIL AGENDA

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
APRIL 11, 2006  
(Subject to change)

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](mailto:jcar@legis.state.il.us)  
Phone: 217/785-2254*

**RULEMAKINGS CURRENTLY BEFORE JCAR**

Central Management Services

1. Extensions of Jurisdiction (80 Ill. Adm. Code 305)
  - First Notice Published: 30 Ill. Reg. 1160 – 1/27/06
  - Expiration of Second Notice: 4/27/06
2. Pay Plan (80 Ill. Adm. Code 310)
  - First Notice Published: 30 Ill. Reg. 231 – 1/13/06
  - Expiration of Second Notice: 4/15/06
3. State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)
  - First Notice Published: 29 Ill. Reg. 19737 – 12/9/05
  - Expiration of Second Notice: 4/21/06

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
APRIL AGENDA

Children and Family Services

4. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431)
  - First Notice Published: 29 Ill. Reg. 13065 – 8/26/05
  - Expiration of Second Notice: 5/7/06

Commerce and Economic Opportunity

5. Technology Advancement and Development Act Programs (14 Ill. Adm. Code 545)
  - First Notice Published: 30 Ill. Reg. 1162 – 1/27/06
  - Expiration of Second Notice: 5/3/06
6. Illinois Small Business Development Program (14 Ill. Adm. Code 570)
  - First Notice Published: 29 Ill. Reg. 20593 – 12/23/05
  - Expiration of Second Notice: 4/22/06

Education

7. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
  - First Notice Published: 30 Ill. Reg. 1 – 1/6/06
  - Expiration of Second Notice: 5/3/06
8. Certification (23 Ill. Adm. Code 25)
  - First Notice Published: 30 Ill. Reg. 16 – 1/6/06
  - Expiration of Second Notice: 5/3/06
9. School Food Service (23 Ill. Adm. Code 305)
  - First Notice Published: 30 Ill. Reg. 86 – 1/6/06
  - Expiration of Second Notice: 5/3/06
10. Nonpublic Special Education Facilities (23 Ill. Adm. Code 401)
  - First Notice Published: 29 Ill. Reg. 19740 – 12/9/05
  - Expiration of Second Notice: 4/14/06
11. Education Purchasing Program (44 Ill. Adm. Code 1110)
  - First Notice Published: 29 Ill. Reg. 6813 – 5/13/05
  - Expiration of Second Notice: 4/12/06

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
APRIL AGENDA

Financial and Professional Regulation

12. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)
  - First Notice Published: 29 Ill. Reg. 20151 – 12/16/05
  - Expiration of Second Notice: 4/12/06
13. Nursing and Advanced Practice Nursing Act – Registered Professional Nurse and Licensed Practical Nurse (68 Ill. Adm. Code 1300)
  - First Notice Published: 29 Ill. Reg. 19365 – 12/2/05
  - Expiration of Second Notice: 4/12/06
14. Real Estate License Act of 2000 (68 Ill. Adm. Code 1450)
  - First Notice Published: 29 Ill. Reg. 17959 – 11/4/05
  - Expiration of Second Notice: 4/12/06

Healthcare and Family Services

15. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
  - First Notice Published: 29 Ill. Reg. 19775 – 12/9/05
  - Expiration of Second Notice: 4/15/06
16. Hospital Services (89 Ill. Adm. Code 148)
  - First Notice Published: 29 Ill. Reg. 19043 – 11/28/05
  - Expiration of Second Notice: 4/15/06
17. Child Support Enforcement (89 Ill. Adm. Code 160)
  - First Notice Published: 29 Ill. Reg. 14148 – 9/23/05
  - Expiration of Second Notice: 4/15/06

Human Services

18. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
  - First Notice Published: 29 Ill. Reg. 15776 - 10/21/05
  - Expiration of Second Notice: 4/12/06
19. Food Stamps (89 Ill. Adm. Code 121)
  - First Notice Published: 29 Ill. Reg. 15779 – 10/21/05
  - Expiration of Second Notice: 4/12/06

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
APRIL AGENDA

Pollution Control Board

20. Definitions and General Provisions (35 Ill. Adm. Code 211)
  - First Notice Published: 29 Ill. Reg. 7418 – 5/27/05
  - Expiration of Second Notice: 5/5/06
21. Sulfur Limitations (35 Ill. Adm. Code 214)
  - First Notice Published: 29 Ill. Reg. 7435 – 5/27/05
  - Expiration of Second Notice: 5/5/06
22. Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
  - First Notice Published: 29 Ill. Reg. 7449 – 5/27/05
  - Expiration of Second Notice: 5/5/06
23. Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
  - First Notice Published: 29 Ill. Reg. 7563 – 5/27/05
  - Expiration of Second Notice: 5/5/06
24. Maximum Setback Zones (35 Ill. Adm. Code 618)
  - First Notice Published: 29 Ill. Reg. 19503 – 12/2/05
  - Expiration of Second Notice: 4/12/06

Property Tax Appeal Board

25. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)
  - First Notice Published: 29 Ill. Reg. 13983 – 9/16/05
  - Expiration of Second Notice: 4/14/06

Racing Board

26. Racing Rules (11 Ill. Adm. Code 1318)
  - First Notice Published: 29 Ill. Reg. 19130 – 11/28/05
  - Expiration of Second Notice: 5/2/06
27. Discretionary Rules (11 Ill. Adm. Code 323)
  - Notice Published: 29 Ill. Reg. 20310 – 12/16/05
  - Expiration of Second Notice: 5/2/06

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
APRIL AGENDA

28. Discretionary Rules (Repealer) (11 Ill. Adm. Code 1425)  
-Notice Published: 29 Ill. Reg. 20314 – 12/16/05  
-Expiration of Second Notice: 5/2/06

Secretary of State

29. Issuance of Licenses (92 Ill. Adm. Code 1030)  
-First Notice Published: 29 Ill. Reg. 18083 – 11/4/05  
-Expiration of Second Notice: 5/6/06
30. Commercial Driver Training Schools (92 Ill. Adm. Code 1060)  
-First Notice Published: 29 Ill. Reg. 16366 – 10/28/05  
-Expiration of Second Notice: 4/20/06

State Toll Highway Authority

31. State Toll Highway Rules (92 Ill. Adm. Code 2520)  
-First Notice Published: 29 Ill. Reg. 19819 – 12/9/05  
-Expiration of Second Notice: 5/23/06
32. State Toll Highway Rules (Repealer) (92 Ill. Adm. Code 2520)  
-First Notice Published: 29 Ill. Reg. 19856 – 12/9/05  
-Expiration of Second Notice: 5/24/06

**EMERGENCY RULEMAKINGS**

Central Management Services

33. Standard Procurement (44 Ill. Adm. Code 1)  
-Notice Published: 30 Ill. Reg. 5673 – 3/24/06

Healthcare and Family Services

34. Child Support Enforcement (89 Ill. Adm. Code 160)  
-Notice Published: 30 Ill. Reg. 5426 – 3/17/06

**PEREMPTORY RULEMAKINGS**

Central Management Services

35. Pay Plan (80 Ill. Adm. Code 310)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
APRIL AGENDA

-Notice Published: 30 Ill. Reg. 4157 – 3/10/06

36. Pay Plan (80 Ill. Adm. Code 310)  
-Notice Published: 30 Ill. Reg. 5687 – 3/24/06

**EXEMPT RULEMAKINGS**

Pollution Control Board

37. RCRA Permit Program (35 Ill. Adm. Code 703)  
-Proposed Date: 29 Ill. Reg. 16576 - 11/4/05  
-Adopted Date: 3/10/06
38. Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
-Proposed Date: 29 Ill. Reg. 16658 - 11/4/05  
-Adopted Date: 3/10/06
39. Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
-Proposed Date: 29 Ill. Reg. 16720 - 11/4/05  
-Adopted Date: 3/10/06
40. Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
-Proposed Date: 29 Ill. Reg. 16864 - 11/4/05  
-Adopted Date: 3/10/06
41. Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)  
-Proposed Date: 29 Ill. Reg. 16906 - 11/4/05  
-Adopted Date: 3/10/06
42. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. code 724)  
-Proposed Date: 29 Ill. Reg. 16921 - 11/4/05  
-Adopted Date: 3/10/06
43. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)  
-Proposed Date: 29 Ill. Reg. 17185 - 11/4/05  
-Adopted Date: 3/10/06
44. Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
APRIL AGENDA

-Proposed Date: 29 Ill. Reg. 17424 - 11/4/05  
-Adopted Date: 3/10/06

45. Land Disposal Restrictions (35 Ill. Adm. Code 728)  
-Proposed Date: 29 Ill. Reg. 17522 - 11/4/05  
-Adopted Date: 3/10/06
46. Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)  
-Proposed Date: 29 Ill. Reg. 17775 - 11/4/05  
-Adopted Date: 3/10/06
47. Standards for the Management of Used Oil (35 Ill. Adm. Code 739)  
-Proposed Date: 29 Ill. Reg. 17816 - 11/4/05  
-Adopted Date: 3/10/06
48. Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)  
-Proposed Date: 29 Ill. Reg. 17852 - 11/4/05  
-Adopted Date: 3/10/06
49. Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
-Proposed Date: 29 Ill. Reg. 17857 - 11/4/05  
-Adopted Date: 3/10/06

### **EXPEDITED CORRECTION**

#### Corrections

50. Transitional Housing Licensure for Sex Offenders on Parole, Probation, or Supervision (20 Ill. Adm. Code 800; 30 Ill. Reg. 2442)

### **AGENCY RESPONSES**

#### Central Management Services

51. Standard Procurement (44 Ill. Adm. Code 1; 29 Ill. Reg. 20540) (Emergency)
52. Extensions of Jurisdiction (80 Ill. Adm. Code 305; 30 Ill. Reg. 1378)

#### Healthcare and Family Services

53. Illinois Cares Rx Program (89 Ill. Adm. Code 119; 30 Ill. Reg. 483)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
APRIL AGENDA

Financial and Professional Regulation

54. Health Maintenance Organization (50 Ill. Adm. Code 5421; 29 Ill. Reg. 3057)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 21, 2006 through March 27, 2006 and have been scheduled for review by the Committee at its April 11, 2006 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
5/3/06	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	1/6/06 30 Ill. Reg. 1	4/11/06
5/3/06	<u>State Board of Education</u> , School Food Service (23 Ill. Adm. Code 305)	1/6/06 30 Ill. Reg. 86	4/11/06
5/3/06	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	1/6/06 30 Ill. Reg. 16	4/11/06
5/5/06	<u>Pollution Control Board</u> , Definitions and General Provisions (35 Ill. Adm. Code 211)	5/27/05 29 Ill. Reg. 7418	4/11/06
5/5/06	<u>Pollution Control Board</u> , Sulfur Limitations (35 Ill. Adm. Code 214)	5/27/05 29 Ill. Reg. 7435	4/11/06
5/5/06	<u>Pollution Control Board</u> , Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)	5/27/05 29 Ill. Reg. 7449	4/11/06
5/5/06	<u>Pollution Control Board</u> , Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)	5/27/05 29 Ill. Reg. 7563	4/11/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

5/6/06	<u>Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)</u>	11/4/05 29 Ill. Reg. 18083	4/11/06
5/7/06	<u>Department of Children and Family Services, Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431)</u>	8/26/05 29 Ill. Reg. 13065	4/11/06

## PROCLAMATIONS

**2006-78****CHILD ABUSE PREVENTION MONTH**

WHEREAS, no child should have to endure mistreatment or abuse, especially at the hands of an adult. However, the unfortunate truth is that far too often children are abused and neglected by the very people that should protect and care for them; and

WHEREAS, studies show that child abuse and neglect can ruin children's lives by making them more likely to drop out of school, suffer from drug and alcohol abuse, and ultimately become abusers themselves; and

WHEREAS, discovering solutions to child abuse and neglect requires the involvement and collaboration of citizens, organizations, and government entities throughout Illinois; and

WHEREAS, it is important that society learns to recognize the warning signs that a child might be abused or neglected. These include: nervousness around adults; aggression toward children or adults; frequent or unexplained bruises or injuries; low self-esteem; and poor hygiene; and

WHEREAS, in Illinois, effective child abuse prevention programs have contributed to a decline in reports of child abuse and neglect, from 139,720 reports in Fiscal Year 1995 to 111,837 reports in Fiscal Year 2005; and

WHEREAS, child abuse prevention programs in Illinois are effective because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse-Illinois, Parents Share & Care of Illinois, and other government entities, social service agencies, schools, religious organizations, law enforcement agencies, businesses and individual citizens:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2006 as **CHILD ABUSE PREVENTION MONTH** in Illinois, and encourage all citizens to support child abuse prevention programs and report suspected cases of abuse to the Illinois Child Abuse Hotline at 1 (800) 25-ABUSE.

Issued by the Governor on March 21, 2006.

Filed by the Secretary of State March 21, 2006.

**2006-79****FOSTER PARENT APPRECIATION MONTH**

## PROCLAMATIONS

- WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for children whose natural parents can no longer provide them with care; and
- WHEREAS, foster parents meet a very special need in our society by ensuring that these children receive attention, respect, love, understanding, compassion, and health and educational services; and
- WHEREAS, more than 17,400 children are currently wards of the Department of Children and Family Services (DCFS) due to abuse, neglect or abandonment; and
- WHEREAS, the contributions of Illinois foster parents to the welfare of these children are incalculable and irreplaceable; and
- WHEREAS, DCFS is equipping an increasing number of grandparents and other relatives to serve as foster parents; and
- WHEREAS, specialized training and support services are now being provided to foster parents serving older youth, who now constitute the majority of children in DCFS care; and
- WHEREAS, there remains a great demand for additional caring adults in Illinois to consider opening their homes to older children in need of foster care; and
- WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do everyday to ensure that our children receive the support they need throughout their maturing process:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2006 as **FOSTER PARENT APPRECIATION MONTH** in Illinois, and encourage all citizens to recognize and support the gracious and loving foster parents in their communities.

Issued by the Governor on March 21, 2006.

Filed by the Secretary of State March 21, 2006.

**2006-80****SONNENSCHN NATH & ROSENTHAL LLP CENTENNIAL ANNIVERSARY DAY**

- WHEREAS, on April 1, 2006, the law firm of Sonnenschein Nath & Rosenthal LLP ("Sonnenschein"), with offices in Chicago and eight other U.S. cities will observe the 100th year of its founding in Chicago in 1906; and

## PROCLAMATIONS

- WHEREAS, the venerable Sonnenschein firm, with more than 700 lawyers and other professionals serving the legal needs of many of the world's largest and best-known businesses, nonprofits and individuals in Chicago and elsewhere, will commemorate this remarkable centennial milestone throughout 2006; and
- WHEREAS, the focus of the firm's celebratory initiatives is devoted to positive ways and means by which to assist in improving education in its communities; and
- WHEREAS, in addition to the contributions of firm assets to improving education for the less privileged and underserved youth of our great state, Sonnenschein encourages its attorneys and staff to generously volunteer their personal time and talents to such important endeavors; and
- WHEREAS, Sonnenschein has founded Legacy Charter School in Chicago's North Lawndale community in order to provide the best education possible for its children and a brighter future for one of the most economically challenged neighborhoods in the city; and
- WHEREAS, to celebrate its Centennial, the Sonnenschein Scholars Foundation was created to fund, manage and direct a national program to underwrite summer public service for law school students who otherwise could not afford to work in public service; and
- WHEREAS, students at three university law schools in Illinois over the next five years will benefit from these summer stipends that underwrite their participation in such public service summer programs:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 1, 2006 as **SONNENSCHN NATH & ROSENTHAL LLP CENTENNIAL ANNIVERSARY DAY** in Illinois.

Issued by the Governor on March 21, 2006.

Filed by the Secretary of State March 21, 2006.

**2006-81****STROKE AWARENESS MONTH**

- WHEREAS, stroke is the third leading cause of death in the United States, striking over 700,000 Americans each year, and stroke is a leading cause of long-term disability with about 4.5 million stroke survivors alive today; and

## PROCLAMATIONS

- WHEREAS, stroke is the third leading cause of death in Illinois, killing an estimated 7,000 to 8,000 residents a year; and
- WHEREAS, approximately 39,500 stroke patients are treated each year in Illinois hospitals at a cost of approximately \$816 million; and
- WHEREAS, the majority of Americans are not aware of the risk factors, signs and symptoms of a stroke, or that certain populations are at an increased risk of having a stroke; and
- WHEREAS, risk factors for a stroke are high blood pressure, cigarette smoking, heart disease, diabetes, transient ischemic attacks (TIAs), physical inactivity and obesity; and
- WHEREAS, new and effective treatments have been developed to treat and to minimize the severity and damaging effects of strokes and to improve disability following a stroke, but much more research is needed; and
- WHEREAS, symptoms of stroke include sudden numbness or weakness of the face, arm or leg, especially on one side of the body; confusion, trouble speaking or understanding; trouble seeing in one or both eyes; trouble walking, dizziness, loss of balance or coordination; and severe headache with no known cause; and
- WHEREAS, Illinoisans need to recognize the symptoms of a stroke and the urgent need to call 911 when the signs and symptoms appear, because during a stroke, every minute counts; and
- WHEREAS, acknowledging May 2006 as Stroke Awareness Month offers advocates for stroke awareness an opportunity educate the public and policymakers about the devastating effects of stroke:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2006 as **STROKE AWARENESS MONTH** in Illinois, and encourage all citizens to familiarize themselves with the signs, symptoms and risk factors associated with stroke and the urgent need to call 911 when one should occur.

Issued by the Governor on March 21, 2006.

Filed by the Secretary of State March 21, 2006.

**2006-82**  
**WORLD TB DAY**

- WHEREAS, 596 cases of active tuberculosis disease were reported in Illinois in 2005; and

## PROCLAMATIONS

WHEREAS, Illinois reports the fifth highest number of tuberculosis cases of any state in the nation; and

WHEREAS, there is a disproportionate burden of TB in minorities and persons born outside the United States; and

WHEREAS, each year thousands of household members, health care employees and others who share the air of infectious tuberculosis patients are at risk of becoming infected with the tuberculosis bacterium and progressing to active disease; and

WHEREAS, in 2005 there was a 5 percent rise in the number of patients in Illinois with active tuberculosis; and

WHEREAS, the Illinois Department of Public Health is working to promote prompt diagnosis and treatment of tuberculosis cases; implementation of strategies to prevent tuberculosis in children; improved working relationships between public health providers and private providers, hospitals, long term care facilities, correctional facilities, managed care organizations and others; and decreased tuberculosis transmission in health care facilities and community settings; and

WHEREAS, the theme for this year's World Tuberculosis Day, "Actions for Life Towards a World Free of Tuberculosis" recognizes that tuberculosis prevention and control is possible, and that Illinois is committed to working toward the elimination of tuberculosis:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 24, 2006 as **WORLD TB DAY** in Illinois and urge all citizens to increase their awareness and understanding of tuberculosis infection and disease and to join the global effort to stop the spread of this disease.

Issued by the Governor on March 21, 2006.

Filed by the Secretary of State March 21, 2006.

**2006-83**  
**STATE FARM DAY**

WHEREAS, State Farm Insurance Companies was founded in 1922, by George J. Mecherle, a farmer from Merna, Illinois; and

WHEREAS, State Farm's mission is to help people manage the risks of everyday life, recover from the unexpected, and realize their dreams; and

## PROCLAMATIONS

WHEREAS, State Farm has grown over the past 83 years from a small farm mutual auto insurer to the leading United States home insurer and one of the world's largest financial institutions; and

WHEREAS, State Farm employs 68,000 associates, including more than 16,500 in Illinois; and

WHEREAS, about 17,000 State Farm agents are spread around the world, including 1,000 in Illinois who provide products and services to thousands of families and businesses; and

WHEREAS, State Farm is a model corporate citizen, demonstrating a proven commitment to helping to build safe, strong, and educated communities – not only in Illinois but throughout the nation; and

WHEREAS, State Farm's Good Neighbor Citizenship shows through the company's support and encouragement of associate and agent volunteerism, numerous initiatives to promote safety ranging from child passenger safety to financial safety, and working collaborations that strengthen and support public education; and

WHEREAS, State Farm's success is built on a foundation of shared values – quality service and relationships, mutual trust, integrity, and financial strength:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 29, 2006, as **STATE FARM DAY** in Illinois in recognition of State Farm's outstanding commitment to Illinois and its citizens.

Issued by the Governor on March 21, 2006.

Filed by the Secretary of State March 21, 2006.

**2006-84****NATIONAL UNIVERSITY OF HEALTH SCIENCES**

WHEREAS, National University of Health Sciences, located in Lombard, Illinois was founded in 1906 as the National School of Chiropractic and Institute of Adjustment; and

WHEREAS, National University of Health Sciences became National College of Chiropractic in 1920 and National University of Health Sciences in 2000; and

WHEREAS, National University of Health Sciences was first accredited by the National Chiropractic Association in 1941, was accredited by the Council on Chiropractic Education in 1966, received approval to offer the baccalaureate degree by the

## PROCLAMATIONS

Illinois Department of Higher Education in 1966, was recognized by the New York Board of Regents in 1971, and was the first institution of its kind to receive full accreditation by the North Central Association of Colleges and Schools in 1981 - 25 years ago; and

WHEREAS, National University of Health Sciences is recognized the world over as an institution dedicated to quality education in all of its programs and currently holds the highest entry standards of schools in its class; and

WHEREAS, National University of Health Sciences has demonstrated a commitment to research, publishing three scientific journals as well as contributing important findings in the field of spinal health and anatomy; and

WHEREAS, National University of Health Sciences has established as one of its purposes the promotion of collegiality among members of the chiropractic profession and members of complementary and alternative health professions as well as the allopathic profession; and

WHEREAS, National University of Health Sciences has had a major and positive economic impact on its local community, and has offered resources to the community including: a campus clinic that is open to the public, staff for two non-profit clinics in Chicago serving the medically underprivileged, two additional clinics in Chicago and Aurora; health and wellness information, lectures and presentations both at its campus and in outreach activities to local organizations; a library devoted to medical and health topics; facilities for local community and business group functions; and contributing its resources to cultural and civic events; thereby greatly enhancing the state of health of the citizens of Illinois and the world; and

WHEREAS, National University of Health Sciences now offers associate, baccalaureate, master's and first professional doctoral degrees in the healing arts, including certification or degrees in massage therapy, biomedical science, chiropractic medicine, acupuncture, oriental medicine, naturopathic medicine, radiology and advanced family practice:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize the **NATIONAL UNIVERSITY OF HEALTH SCIENCES** for their one hundred years of academic, research and service excellence in our great State.

Issued by the Governor on March 21, 2006.

Filed by the Secretary of State March 21, 2006.

## PROCLAMATIONS

**2006-85****WOMEN PRESIDENTS' ORGANIZATION DAYS**

WHEREAS, the Women Presidents' Organization consists of 1000 members in 59 chapters throughout the United States and North America; and

WHEREAS, nearly half of all privately held U.S. firms are 50% or more women owned; and

WHEREAS, women entrepreneurs are making remarkable strides and achieving unprecedented success across the world; and

WHEREAS, the Women President's Organization (WPO) connects top women entrepreneurs at the million and multi-million dollar level (\$2 million in gross annual sales or \$1 million for service-based business) – locally and internationally; and

WHEREAS, the estimated growth rate in the number of women-owned firms was nearly twice that of all firms; and

WHEREAS, across the world, women-owned firms typically comprise between 1/4 and 1/3 of the business population; and

WHEREAS, 66% of women business owners are willing to take substantial risks when investing for their businesses; and

WHEREAS, WPO members are accomplished women presidents from diverse industries and backgrounds that invest time and energy in themselves and their businesses to drive them to the next level; and

WHEREAS, over 19.1 million people are employed by a women-owned firm; and

WHEREAS, the State of Illinois is proud to recognize the accomplishments of women entrepreneurs:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 27-29, 2006 as **WOMEN PRESIDENTS' ORGANIZATION DAYS** in Illinois to support, promote and encourage the accomplishments of women business owners.

Issued by the Governor on March 23, 2006.

Filed by the Secretary of State March 23, 2006.

**2006-86****MAJOR ZIAUR RAHMAN DAY**

## PROCLAMATIONS

- WHEREAS, on March 25, 1971, Major Ziaur Rahman broadcasted a historic message of independence to the people of Bangladesh; and
- WHEREAS, in 1976, the late President Ziaur Rahman introduced a multi-party democratic government in Bangladesh, as well as freedom of press and judiciary; and
- WHEREAS, Major Ziaur Rahman encouraged friendship between Bangladesh and the United States; and
- WHEREAS, this year, the Bangladesh community is honoring Major Ziaur Rahman on March 26, 2006 and Illinois is proud to join with the Bangladeshi-American community in celebration of this significant occasion:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 26, 2006 as **MAJOR ZIAUR RAHMAN DAY** in Illinois, and encourage all citizens to recognize his many contributions to the people of Bangladesh, and in tribute to all Bangladeshi-Americans who call Illinois their home.

Issued by the Governor on March 23, 2006.

Filed by the Secretary of State March 23, 2006.

**2006-87****THE 19<sup>th</sup> ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER'S ASSOCIATION DAY**

- WHEREAS, Alzheimer's disease is a complex, progressive disease where the affected individual begins to lose control of the part of their brain that regulates thought, memory, and language. The disease usually begins to appear in individuals over the age of 60, and the risk of acquiring it increases with age; and
- WHEREAS, approximately 4.5 million Americans suffer from Alzheimer's Disease, including approximately 222,000 Illinoisans. Although it appears in older individuals, Alzheimer's is a condition in itself, and is not a normal part of the aging process; and
- WHEREAS, established in 1980, the Alzheimer's Association is the leading national health organization dedicated to advancing Alzheimer's research and aid; and
- WHEREAS, since its inception, the Alzheimer's Association has been the largest private sponsor of Alzheimer research, providing more than \$185 million in funding for hundreds of research studies; and

## PROCLAMATIONS

WHEREAS, the Alzheimer's Association is a proven authority on the issues that affect citizens with Alzheimer's disease and their families, serving as a voice for them in the capitals of every state, hundreds of U.S. congressional offices, and even the White House; and

WHEREAS, the Rita Hayworth Galas, held annually in New York and Chicago, are crucial fund-raising events that the Alzheimer's Association relies heavily on for financial support; and

WHEREAS, since 1985, the Rita Hayworth Galas have raised more than \$40 million in funds, with one hundred percent going directly to the Alzheimer's Association; and

WHEREAS, Princess Yasmin Aga Khan, the general chair of the Rita Hayworth Gala and the daughter of the late Rita Hayworth, has worked tirelessly over the years in supporting the advancement of critical Alzheimer's research. Her efforts have touched the lives of countless people throughout the country; and

WHEREAS, the Chicago Rita Hayworth Gala celebrates and honors medical research into the causes, treatment, prevention, and eventual cure of Alzheimer's disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13, 2006 as **THE 19<sup>th</sup> ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER'S ASSOCIATION DAY** in Illinois and encourage all citizens to recognize the importance of continued research on this devastating disease.

Issued by the Governor on March 24, 2006.

Filed by the Secretary of State March 24, 2006.

**2006-88****ILLINOIS ARTS WEEK**

WHEREAS, the arts are the embodiment of all things beautiful and entertaining in the world; and

WHEREAS, the arts enhance every aspect of life in Illinois - improving our economy, enriching our civic life and exerting a profound influence on the education of our children; and

WHEREAS, arts education research shows that the arts help to foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and

## PROCLAMATIONS

WHEREAS, the arts summon the talents and creativity of all citizens, while also serving as a catalyst for economic growth and tourism; and

WHEREAS, since 1978, the Illinois Arts Council has partnered with artists and organizations to show support and encouragement of the arts through a weeklong celebration, while also heightening awareness of the intrinsic role the arts play in our lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 8 – 14, 2006 as **ILLINOIS ARTS WEEK** and urge all citizens to demonstrate their appreciation for the arts and the rich cultural experience it provides for our state.

Issued by the Governor on March 24, 2006.

Filed by the Secretary of State March 24, 2006.

**2006-89****RADIOLOGIC TECHNOLOGY WEEK**

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and

WHEREAS, qualified practitioners who specialize in the use of medical radiation and imaging technology to aid in the diagnosis and treatment of disease, share a commitment to creating for the people of this state a safer and more compassionate environment; and

WHEREAS, professionals in the radiologic sciences continually maintain their highest standards of professionalism through education, lifelong learning, credentialing and personal commitment; and

WHEREAS, Radiologic Technology Week, in conjunction with the 71<sup>st</sup> Annual Illinois State Society of Radiologic Technologists (ISSRT) Conference, will focus on the safe, medical radiation environment provided through the skilled and conscientious efforts of radiologic technologists:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 19 - 21, 2006 as **RADIOLOGIC TECHNOLOGY WEEK** in Illinois, and urge all citizens to recognize the importance of radiologic technology to the health industry in this state, and across the country.

Issued by the Governor on March 24, 2006.

Filed by the Secretary of State March 24, 2006.

## PROCLAMATIONS

**2006-90****SARCOIDOSIS AWARENESS MONTH**

WHEREAS, sarcoidosis is a disease that causes inflammation of the body's tissues. It can occur in any organ of the body and upsets cells until they eventually form granulomas, which are small lumps that stay within the organ; and

WHEREAS, sarcoidosis can affect people all across the globe. Although it was once viewed as a rare disease, over the last 35 years the affected population has increased. Sarcoidosis is now the most common fibrotic lung disorder and one of the most common chronic diseases in the world; and

WHEREAS, symptoms of sarcoidosis are far ranging. Since the disease can affect any organ in the body, the symptoms are different for each organ. The most common symptoms include: fatigue, loss of appetite, fever, night sweats, enlarged lymph nodes, a skin rash, and shortness of breath and/or chest pain; and

WHEREAS, sarcoidosis is not easily diagnosed and can often go undetected or misdiagnosed for a long period of time. Because of this, it is difficult to estimate the number of people living with the disease today; and

WHEREAS, many patients with sarcoidosis do not require treatment and are able to function normally, particularly those without disabling symptoms. Although corticosteroids remain the primary treatment for sarcoidosis, a critical aspect of treatment is to keep the affected organs working and relieve the symptoms. Many times, symptoms will disappear spontaneously or without treatment; and

WHEREAS, there are many dedicated organizations in this country working to raise awareness about this disease. The National Sarcoidosis Society, Incorporated, provides educational awareness and support to the patients and their families as well as developing an ongoing campaign to promote awareness and medical research into the debilitating disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2006 as **SARCOIDOSIS AWARENESS MONTH** in Illinois, and encourage all citizens to educate themselves on this unfortunate chronic illness, and do what they can to support those who are affected by it.

Issued by the Governor on March 24, 2006.

Filed by the Secretary of State March 24, 2006.

**2006-91**

## PROCLAMATIONS

**PARKINSON'S DISEASE AWARENESS MONTH**

- WHEREAS, Parkinson's disease is a progressive disorder of the central nervous system, affecting more than one million people in the United States; and
- WHEREAS, approximately 1.5 million Americans are currently afflicted with Parkinson's disease and it is estimated that 60,000 new cases are diagnosed each year; and
- WHEREAS, Parkinson's disease affects both men and women in almost equal numbers. It shows no social, ethnic, economic or geographic boundaries; and
- WHEREAS, in 1961, The American Parkinson Disease Association, Inc. was founded to provide patient and family support for those afflicted by this devastating disorder. The association also supports and funds ongoing research in the hope of finding a cure; and
- WHEREAS, the State of Illinois recognizes the efforts of the Midwest Chapter of the American Parkinson Disease Association to increase funds and promote awareness to fight Parkinson's disease, thereby improving the quality of life for those living with the disease:
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2006 as **PARKINSON'S DISEASE AWARENESS MONTH** in Illinois, and encourage all citizens to recognize the indispensable services of the American Parkinson Disease Association, Inc. to the residents of our state.

Issued by the Governor on March 24, 2006.

Filed by the Secretary of State March 24, 2006.

**2006-92****AMERICAN EX-PRISONERS OF WAR RECOGNITION DAY**

- WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action while performing their duties; and
- WHEREAS, despite strict rules and regulations set forth by international codes, American Prisoners of War have often suffered unconscionable treatment and many have died as a result of cruel and inhumane acts by their enemy captors; and
- WHEREAS, it is exceedingly fitting that we recognize the sacrifices of American Prisoners of War and those missing in action; and

## PROCLAMATIONS

WHEREAS, these heroic soldiers have demonstrated their love and convictions in the people and freedoms of this country by enduring these tragedies, and in many unfortunate cases by giving the ultimate sacrifice:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2006 as **AMERICAN EX-PRISONERS OF WAR RECOGNITION DAY** in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered while fighting to make America a better place for all to live.

Issued by the Governor on March 24, 2006.

Filed by the Secretary of State March 24, 2006.

**2006-93****BATAAN DAY AND NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY**

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women who have courageously answered the call to defend their country's ideals of freedom and democracy. Many of the brave Americans who have answered their country's call to service were captured by hostile forces or listed as missing while performing their duties; and

WHEREAS, the harsh conditions of enemy captivity are an unfortunate reality that many of our brave soldiers and their allies have experienced first hand. During World War II, American and Filipino prisoners of war who fought in the Philippines experienced some of the cruelest treatment. They were forced by Japanese captors to participate in what has come to be known as the Bataan Death March and the survivors were put into forced labor camps; and

WHEREAS, American and Filipino former prisoners of war are national heroes whose service to our country will never be forgotten. These brave men and women fought for America and endured cruelties and deprivation as prisoners of war that no man or women should ever have to experience; and

WHEREAS, during World War II, the Korean War, Vietnam, the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our nation, and free the oppressed. Each of these individuals should be honored for their strength of character and for the difficulties they and their families endured. By answering the call of duty and risking their lives to protect others, these proud patriots continue to inspire us

## PROCLAMATIONS

today as we work with our allies to extend peace, liberty, and opportunity to people around the world; and

WHEREAS, as we honor our former POWs, we must also recognize and honor all soldiers who remain unaccounted for, as well as those currently enlisted in the United States military who, like so many before them, proudly serve their country in an effort to advance peace throughout the world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2006 as **BATAAN DAY AND NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY** in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity while courageously serving their country.

Issued by the Governor on March 24, 2006.

Filed by the Secretary of State March 24, 2006.

**2006 -94**  
**ILLINOIS OLYMPIANS DAY**

WHEREAS, from February 10 - 26, 2006, the XX Winter Olympic Games were held in Turin, Italy (Torino 2006), featuring athletic competition at the highest level, and celebrating cooperation among the nations and people of the world; and

WHEREAS, the United States Olympic team featured dedicated and talented athletes from all across the country, 9 of which are from the State of Illinois: Lorenzo Smith III of Kankakee (Bobsled); Ben Agosto of Northbrook (Figure Skating); Melissa Gregory of Highland Park (Figure Skating); Evan Lysacek of Naperville (Figure Skating); Aaron Parchem of Oak Park (Figure Skating); Matt Savoie of Peoria (Figure Skating); Chris Chelios of Chicago (Men's Ice Hockey); Margaret Crowley of Evanston (Speedskating); and Shani Davis of Chicago (Speedskating); and

WHEREAS, among these 9 athletes, two received medals for their achievements in the XX Winter Olympic Games; and

WHEREAS, Ben Agosto, along with his partner, Tanith Belbin, received a Silver medal for the Ice Dancing event in Figure Skating; and

WHEREAS, Shani Davis received two medals in Speedskating: Gold for the Men's 1000 meter and Silver for the Men's 1500 meter; and

## PROCLAMATIONS

WHEREAS, the State of Illinois is proud to recognize all of these athletes for their terrific achievements in Turin, and for serving as role models for our youth by demonstrating the rewards of hard work and dedication to practice and training. To celebrate this wonderful display of athletic excellence from our state, on March 25, 2006 we join WGCI and the Mayor's Office of the City of Chicago in honoring Shani Davis for his Gold and Silver medals on behalf of the United States of America:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 25, 2006 as **ILLINOIS OLYMPIANS DAY** in Illinois, and encourage all citizens to join in recognizing their great accomplishments at the XX Winter Olympics Games.

Issued by the Governor on March 24, 2006.

Filed by the Secretary of State March 27, 2006.

**2006-95****APPRENTICESHIP WEEK**

WHEREAS, apprenticeship training is a key component in developing skilled workers in various trades and crafts. As part of a continuing program initiated by the government in 1937, this specialty training is supported by most industry and labor related fields; and

WHEREAS, industry professionals make cooperative efforts to encourage and improve apprenticeship training in Illinois in order to provide skilled journeymen in all trades; and

WHEREAS, the Illinois State Apprenticeship Conference will be held on May 15, 2006. This event is intended to promote the exchange of information and ideas between all crafts and trades:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15 – 19, 2006 as **APPRENTICESHIP WEEK** in Illinois, and encourage all citizens to recognize the benefits that apprenticeship opportunities provide for the state.

Issued by the Governor on March 27, 2006.

Filed by the Secretary of State March 27, 2006.

**2006-96****HOME EDUCATION WEEK**

## PROCLAMATIONS

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children's individual needs; and

WHEREAS, studies show that students who are educated at home typically score at or above the national average on standardized tests. Studies also confirm that children who are educated at home exhibit self-confidence and good citizenship, and are fully prepared academically to meet the challenges of today's society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 26 – April 1, 2006 as **HOME EDUCATION WEEK** in Illinois, and encourage all citizens to recognize the important role that home education plays in educating our children.

Issued by the Governor on March 27, 2006.

Filed by the Secretary of State March 27, 2006.

# ILLINOIS ADMINISTRATIVE CODE

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