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RULES
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AGENCIES



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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Business Enterprise Program: Contracting With Businesses Owned And Controlled by Minorities, Females and Persons With Disabilities
- 2) Code Citation: 44 Ill. Adm. Code 10
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
10.50	Amendment
10.55	Amendment
10.72	Amendment
- 4) Statutory Authority: Implementing and authorized by the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575].
- 5) A Complete Description of the Subjects and Issues Involved: Under the current rule, the Secretary certifies companies as owned or controlled by minorities, females or persons with disabilities at least every two years. This requires all companies to submit completely new paperwork, even though for most companies the information has not changed. In order to lessen the administrative burden on both the State and the companies, the proposed amendments would allow for certification every three years. However, to help ensure the company remains eligible over time, each year the company must submit a statement verifying that there have been no changes in ownership or control that would affect their eligibility for the program. This is one measure to help ensure that only those eligible for the program receive the benefits of the program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The impetus for this change was the Department's assessment of the benefits and burdens associated with the current process for certification. We also considered comments made during a recent audit that touched on this activity.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:
- Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706
- 217/785-1793
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Companies owned and controlled by minorities, females and persons with disabilities will be affected by these rules.
- B) Reporting, bookkeeping or other procedures required for compliance: A yearly tracking procedure will be implemented by CMS but can be accomplished with current staff and resources.
- C) Types of professional skills necessary for compliance: Current staff will be utilized to assist with any procedural changes due to this rule making, however no additional professional skills will be required.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent regulatory agendas because: a decision was made after the time for publication and was not anticipated.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS,
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 10

BUSINESS ENTERPRISE PROGRAM: CONTRACTING WITH BUSINESSES OWNED
AND CONTROLLED BY MINORITIES, FEMALES AND PERSONS WITH DISABILITIES

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- 10.10 Definitions

SUBPART B: GOAL AND GOAL MEASUREMENT

Section

- 10.20 Goal
- 10.21 Contracts and Expenditures Subject to the Goal
- 10.22 Categories of Contracts and Expenditures Exempt from Goal
- 10.23 Council Review of Agency Requests for Specific Exemptions
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Section

- 10.30 Agency Compliance
- 10.35 Professional and Artistic Contract Reporting

SUBPART D: PROGRAM ELIGIBILITY

Section

- 10.40 Program Eligibility

SUBPART E: CERTIFICATION

Section

- 10.50 General

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10.55 Program Information~~List of Certified Businesses~~

SUBPART F: CERTIFICATION REQUIREMENTS AND PROCEDURES

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- 10.60 Application
- 10.61 Applicant Requirements
- 10.62 Time to Determine Eligibility
- 10.63 Certification by Other Certifying Entities
- 10.64 \$27,000,000 Sales Limitation; Exception
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- 10.67 Ownership
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SUBPART G: RECONSIDERATION, DECERTIFICATION AND RECERTIFICATION

Section

- 10.70 Review and Reconsideration
- 10.71 Decertification Process
- 10.72 Annual Confirmation of Eligibility~~Recertification Process~~

SUBPART H: SPECIAL ASSISTANCE FOR CERTIFIED BUSINESSES

Section

- 10.80 Special Assistance

SUBPART I: CONTRACT REQUIREMENTS

Section

- 10.90 Change in Eligibility
- 10.91 Contract Commitment; Good Faith Effort

SUBPART J: VIOLATIONS BY VENDOR

Section

- 10.100 Violations by Vendor

AUTHORITY: Implementing and authorized by the Business Enterprise for Minorities, Females

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

and Persons with Disabilities Act [30 ILCS 575].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12584, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20560, effective November 16, 1998; amended at 25 Ill. Reg. 4831, effective March 19, 2001; amended at 26 Ill. Reg. 17980, effective December 06, 2002; amended at 30 Ill. Reg. _____, effective _____.

SUBPART E: CERTIFICATION

Section 10.50 General

- a) The ~~primary purpose of the~~ certification process ~~verifies to verify~~ that the business is owned and controlled by BEP eligible individuals in accordance with requirements of the Act and this Part. The Secretary to the Council will oversee the certification process. The certification procedure consists of the requirements and procedures outlined in this Section.
- b) The Secretary will certify an applicant firm that meets the requirements of the Act and this Part. All certifications, new and existing, shall be valid for a period of 3 years from the effective date of the certification, subject to annual confirmation. ~~The Secretary will conduct a routine review and reconsideration of each certified business at least one time every two years to ensure continued eligibility.~~
- c) Only certified businesses are eligible for the benefits of the Program. Agencies may count only those expenditures with a certified vendor, or subcontractor, toward meeting the goal.
- d) A business owned and controlled by females shall be certified as a FBE regardless of the ethnicity of the female owners.
- e) For a business to qualify as MBE, only those minorities who are male may be counted in determining ownership and control.
- f) A business owned and controlled at least 51% by any combination of minorities, females and persons with disabilities shall be counted as a business owned and controlled by the eligible group that has the largest percentage of ownership. When there is a tie, the business shall select the eligible group classification.
- g) A business owned and controlled by a person with a disability, or by an entity that

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is a not-for-profit agency for the disabled, is a PBE regardless of the ethnicity or gender of the owner or owners, or of the governing board.

- h) These classifications facilitate consistent accounting of agency contract awards to businesses covered by the Act. These classifications do not preclude such businesses or not-for-profit agencies from receiving any contract that may be awarded under the Illinois Procurement Code [30 ILCS 500] or other applicable law.

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

Section 10.55 Program Information~~List of Certified Businesses~~

- a) The Secretary, on behalf of the Council, shall compile a list of businesses certified under the Act and may compile and maintain other information regarding the program, including general vendor lists.
- b) The list will contain the name, address, telephone and facsimile~~phone/fax~~ numbers, e-mail address, type of certification (MBE, FBE or PBE) and business classification (e.g., accounting or furniture sales) of certified vendors.
- c) The list shall be available to the Chief Procurement Officers and State Purchasing Officers established under the Illinois Procurement Code, and to other interested State agencies for use in procurements under the Illinois Procurement Code and other procurement laws.
- d) The list of certified businesses shall be available to the public. This list and other information shall be provided electronically via the Business Enterprise Website. If a hard copy is requested, there shall be in the form of a directory available for a fee to cover cost of compilation, maintenance, publication and distribution.

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

SUBPART G: RECONSIDERATION, DECERTIFICATION AND RECERTIFICATION

Section 10.72 Annual Confirmation of Eligibility~~Recertification Process~~

- a) To maintain its certification, a certified firm must file with the Secretary on an annual basis a statement confirming there have been no changes in ownership or

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

control from the last certification that would affect the validity of the certification and shall provide any additional information requested by the Secretary. The statement shall be in the form specified by the Secretary.

- ~~b)a)~~ At least 60 days prior to the anniversary of a certification expiration of the certification, the Secretary shall send a notice letter to the business advising that it must complete and return the Annual Confirmation form, ~~may apply for recertification by completing and returning the application. The application must be postmarked by the date specified in the notice at least 15 days prior to expiration of the current certification. Failure to meet that deadline shall result in expiration of the certification.~~
- ~~c)b)~~ If the certified firm applicant fails to submit the Annual Confirmation form, the Secretary shall issue a provisional revocation of the certification and so notify the firm ~~submits the material 15 days before the expiration of the current certification, the original certification shall remain in effect until the Secretary completes the recertification process. If the Annual Confirmation form is not received within 30 days after the mailing of the provisional revocation to the certified firm, the revocation shall become final and the firm shall be so notified.~~
- ~~d)e)~~ If the certified firm submits an Annual Confirmation form that indicates that ownership or control have changed such that the firm is or may be no longer eligible for certification, the Secretary may request further information or may issue a final revocation.
- ~~e)~~ Upon receipt of the notice of final revocation, the certified firm may submit a new and complete application for certification, ~~recertification application, the Secretary will review it for changes that affect eligibility under the Act or this Part.~~
- ~~f)~~ In addition to the annual confirmation, the Secretary may require confirmation of eligibility at any time during the term of certification.
- ~~d)~~ If no such changes have occurred, the Secretary will recertify the applicant. If changes give rise to questions regarding eligibility, the Secretary will notify the applicant and request clarification and/or additional information.
- ~~e)~~ When all questions of eligibility have been resolved in favor of the applicant, the Secretary will issue a new certification valid for a period of two years.
- ~~f)~~ If the Secretary determines that the firm is not eligible, the Secretary will notify

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~the applicant by letter. The letter shall include the reasons for the decision and shall inform the applicant of the review and reconsideration process.~~

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 900
- 3) Section Number: 900.90 Proposed Action: Amendment
- 4) Statutory Authority: Implementing the State Prompt Payment Act [30 ILCS 540]
- 5) A Complete Description of the Subjects and Issues Involved: This amendment allows pharmacies participating in the All Kids program to be reimbursed for interest amounting to less than \$5 upon request to the Department of Healthcare and Family Services.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/785-1793

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Pharmacies doing business with the State of Illinois may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: The Department of Healthcare and Family Services may be required to alter procedures to implement this change.
 - C) Types of professional skills necessary for compliance: This change will not require additional staff.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because it was not anticipated.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 74: PUBLIC FINANCE
CHAPTER VIII: CENTRAL MANAGEMENT SERVICESPART 900
JOINT RULES OF THE COMPTROLLER AND
THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

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900.10	Scope
900.20	Definitions
900.30	General Duties of State Agencies
900.35	Duties of State Agencies: Interest Payments
900.40	Statement Indicating That Interest Penalty May Be Available
900.50	Other Interest Provisions
900.60	When a Payment is Late
900.70	Approval by the State
900.80	Submission and Receipt of Bills
900.90	When and How Vendors Must Request Interest
900.100	Calculation of Interest
900.110	No Interest on Interest
900.120	Exclusions
900.130	Special Rules and Procedures Regarding the Application of the Act to the State Employee's Group Insurance Program
900.140	Resolution of Disputes

AUTHORITY: Implementing the State Prompt Payment Act [30 ILCS 540].

SOURCE: Emergency rule adopted at 17 Ill. Reg. 11168, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11498, effective July 11, 1994; amended at 24 Ill. Reg. 19049, effective December 18, 2000; amended at 25 Ill. Reg. 11351, effective August 28, 2001; emergency amendment at 26 Ill. Reg. 10939, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 14666, effective September 19, 2002; amended at 30 Ill. Reg. _____, effective _____.

Section 900.90 When and How Vendors Must Request Interest

- a) Interest amounting to \$50 or more need not be requested by a Vendor. Agencies are responsible for calculating and paying such interest and are to do so within a reasonable time.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- b) Interest amounting to \$5 but less than \$50 must be requested by the Vendor.
- 1) The Vendor must submit a written statement to the appropriate State agency specifically requesting the State agency to pay an interest penalty to the Vendor.
 - 2) The statement must include a description of the original transaction, the Vendor's taxpayer identification number, the date of the Vendor's invoice, the invoice amount and the date the bill was presented to the Agency.
 - 3) The statement should, if possible, include the Vendor's invoice number, the voucher number, the appropriation account code, the obligation number, the exact name of the Vendor or payee as the name appeared on the payment warrant, an estimate of the date upon which the interest penalty begins to accrue and any other information reasonably needed by the State agency to verify the interest penalty payment.
 - 4) A request for the late payment interest penalty should be submitted within 90 days after the Date of Payment.
 - 5) Agencies are responsible for paying such interest and are to do so within a reasonable time.
 - 6) Upon written request by the Vendor, an agency must disclose to the Vendor the date upon which an interest penalty begins to accrue.
- c) Interest amounting to less than \$5 will not be paid by the State, except in relation to a request that results from the application of the provisions of this Part to claims for prescription services submitted pursuant to Article V of the Public Aid Code [305 ILCS 5/Art. V], Covering ALL KIDS Health Insurance Act [215 ILCS 170] and the Children's Health Insurance Program Act [215 ILCS 106] by a pharmacy to the Department of Healthcare and Family~~whether or not requested.~~
- d) Interest is to be calculated for each individual Vendor bill received. A determination of whether an interest penalty is owed is to be made for each individual bill and may not be based upon summing interest from two or more bills together. If a State agency divides a Vendor bill into parts for payment from multiple funding sources, interest is to be calculated for each individual part in order to determine if interest is owed for that part of that bill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Marriage and Family Therapy Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1283
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
1283.30	Amendment
1283.45	Amendment
1283.46	Amendment
1283.50	Amendment
1283.60	Amendment
1283.70	Amendment
1283.80	Amendment
1283.90	Amendment
1283.100	Amendment
1283.110	Amendment
1283.120	Amendment
- 4) Statutory Authority: Marriage and Family Therapy Licensing Act [225 ILCS 55]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking clarifies the educational requirements in Section 1283.30 and adds the Commission on Accreditation for Counseling Related Education Programs as an accrediting program. Section 1283.110 on continuing education is being amended to include a maximum of 15 hours that may be completed by a correspondence course. Makes various non-substantive changes, including changing references throughout the entire Part 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. Obsolete language is also being removed and other technical changes are being made.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may submit written comments within 45 days after this issue of the *Illinois Register* to:

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

217/785-0813 Fax #: 217/782-7645
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed marriage and family therapists.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Skills as a marriage and family therapist are necessary for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: January, 2006

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

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

PART 1283

MARRIAGE AND FAMILY THERAPY LICENSING ACT

Section

1283.10	Application for a Temporary License Under Section 50 of the Act (Repealed)
1283.15	Professional Work Experience
1283.20	Clinical Experience
1283.25	Clinical Supervision
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1283.40	Examination
1283.45	Application for a License as an Associate Marriage and Family Therapist
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1283.80	Inactive Status
1283.90	Restoration
1283.95	Fees
1283.100	Professional Conduct
1283.110	Continuing Education
1283.120	Granting Variances

AUTHORITY: Implementing the Marriage and Family Therapy Licensing Act [225 ILCS 55] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 18 Ill. Reg. 10752, effective June 28, 1994; amended at 20 Ill. Reg. 12006, effective August 27, 1996; amended at 22 Ill. Reg. 3883, effective February 5, 1998; amended at 22 Ill. Reg. 16482, effective September 3, 1998; amended at 24 Ill. Reg. 7309, effective May 1, 2000; amended at 28 Ill. Reg. 7072, effective April 28, 2004; amended at 30 Ill. Reg. _____, effective _____.

Section 1283.30 Education

- a) An applicant for a license as a marriage and family therapist shall hold one of the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

following:

- 1) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
 - 2) A master's or doctoral degree from a regionally accredited educational institution (by the U.S. Office of Education) in marriage and family therapy or in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in subsection (b); or
 - 3) A master's or doctoral degree in marriage and family therapy from a program accredited by either the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy or the Commission on Accreditation for Counseling Related Educational Programs.
- b) An applicant must have completed a minimum of 48 semester hours or equivalent hours of graduate coursework. The applicant's graduate coursework, at a minimum, shall be substantially equivalent to the curriculum listed in this subsection (b) below. Courses are evaluated according to course content rather than course title. For the purpose of this Section, course shall be defined as an integrated, organized course of study. No student designed courses, independent study courses, workshops, on-line or correspondence courses may be used to satisfy the core courses. Course descriptions and syllabi are required for courses whose titles do not reflect the content described as follows below:
- 1) Individual Development and Family Relations. Topics in marriage and family studies must be addressed in a minimum of 1 course (3 semester or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include family development and family interactional patterns across the life cycle of the individual as well as the family. Courses may include the study of: family life cycle; theories of family development; marriage and/or family dynamics; sociology of the family; families under stress; the contemporary family; social, cultural, and spiritual foundations of family life; the cross-cultural family; gender studies; youth/adult/aging and the family; family subsystems; interpersonal relationships (marriage, parenting, sibling); human development; lifestyle and career development; personality theory; and human sexuality.

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2) Theoretical Foundations and Clinical Practice.

- A) Topics in marriage and family therapy must be addressed in a minimum of 6 courses (18 semester or 24 quarter hours or equivalent). The following topics must be covered:
- iA) the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy;
- iiB) overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy, such as: communications, contextual, experiential, object relations, strategic, behavioral, structural, systemic, transgenerational;
- iiiC) assessment and evaluation of individuals (children, adolescents, and adults), couples and families;
- ivD) treatment and intervention methods for working with individuals (children, adolescents and adults), couples, families and groups in therapy;
- vE) assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology, including making clinical assessments, certifying diagnoses, prescribing treatment and signing off on treatment plans for persons with mental illnesses or other clinical disorders;
- viF) contemporary issues, which include but are not limited to gender, violence, addictions, abuse, psychopharmacology, physical health and illness in the treatment of individuals, couples, and families from a relational/systemic perspective; sexual functioning, sexual orientation, and sex therapy as they relate to couple, marriage and family therapy theory and practice; significant material on

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diversity and discrimination as it relates to couple and family therapy theory and practice;

viiG) crisis intervention.

B) The coursework in this subsection (b)(2) must balance methods for working individually (one client in a therapy session), and for working conjointly with at least two clients present in therapy sessions who are in significant relationships with each other outside the therapy context, and must include methods for working with groups.

- 3) Professional Studies and Ethics. Topics in professional studies and ethics must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent) that includes unique professional and ethical situations involved with conjoint therapies. Topics that may be counted toward this area of study include: professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law; unique professional and ethical situations involved with conjoint therapies.
 - 4) Research. Topics in research must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: research design and methods; statistics; research in a mental health field.
 - 5) Clinical Practicum/Internship. (300 hours) – 15 hours per week, approximately 8-10 hours in face-to-face contact with individuals, couples, families and groups for the purpose of assessment, diagnosis and treatment.)
- c) In evaluating coursework from another jurisdiction, the Marriage and Family Therapy Disciplinary and Licensing Board (Board) may require documentation such as, but not limited to, an evaluation by a foreign equivalency documentation service indicating that the applicant's graduate program is equivalent to a graduate program in this country.
 - d) An individual who has taught a graduate level course in a regionally accredited educational institution in any of the areas listed in subsection (b) shall receive credit for the course. One course taught is equivalent to one course taken.

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Repetitive teaching of the same course may only be counted as one course. Syllabi and reading lists shall be submitted in order to obtain credit.

- e) Courses taken at a post-degree institution may count as equivalent for an education requirement of subsection (b) if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or meets the following requirements:
 - 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists.
 - 2) The specific course submitted as equivalent to those defined in subsection (b) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.
 - 3) Courses must be offered by an established, identifiable facility or agency.
 - 4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.
 - 5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.
 - 6) Correspondence courses are not acceptable.
- f) Credit for courses taken pursuant to subsection (e) will be given on a semester-hour equivalency basis which is 15 classroom hours per semester credit. Evaluation of course work is on a case-by-case basis for each applicant. To receive credit, an applicant must submit a syllabus for each course, proof of acceptable completion of the course, and all documentation necessary to demonstrate that the post-degree institution and the specific course meet all the requirements of subsection (e).
- g) A thesis or dissertation completed as a requirement of the first qualifying degree will not be counted as equivalent for an education requirement of subsection (b).

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- h) Applicants who hold non-clinical qualifying degrees, or whose practicum/internship was in areas other than marriage and family therapy, may document the practicum requirement with their first 300 post-graduate client contact hours supervised by an American Association for Marriage and Family Therapy Approved Supervisor, supervisor-in-training or a supervisor who meets the requirements set forth in Section 1283.21 of this Part.
- i) ~~Approved Comprehensive Programs of Study in Marriage and Family Therapy. The Department, upon recommendation of the Board, shall approve Comprehensive Programs of Study in Marriage and Family Therapy that meet the following requirements:~~
- ~~1) The program is offered by an educational department or unit that grants master's or doctoral degrees in marriage and family therapy or in a related field (i.e., behavioral science or mental health) and the educational institution is regionally accredited.~~
 - ~~2) The program has a faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their areas of teaching from professional colleges and institutions.~~
 - ~~3) The education unit or department has an identifiable body of students who are matriculated in that program for a degree.~~
 - ~~4) A marriage and family therapist is responsible for the program.~~
 - ~~5) The program shall be at least 2 academic years in length at a minimum, and require a minimum of 48 semester hours or equivalent hours of graduate coursework.~~
 - ~~6) The program shall contain the curriculum listed in subsection (b) of this Section.~~
- j) ~~Reevaluation of an Approved Comprehensive Program of Study in Marriage and Family Therapy.~~
- ~~1) The Department may reevaluate any program at any time if it has reason to believe that the Program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false,~~

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~~deceptive or incomplete information.~~

- 2) ~~The program whose approval is being reevaluated by the Board shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.~~
- 3) ~~Every year the faculty person responsible for the program will send the Department an annual report specifying the faculty persons responsible for monitoring student compliance with the program requirements and any changes from the original application in how the program is accomplishing the requirements in subsection (i) including changes in curriculum and/or faculty.~~

k) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division), upon the recommendation of the Board, has determined that marriage and family therapy programs accredited by either the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy as of July 1, 1998, or the Commission on Accreditation for Counseling Related Educational Programs meet the minimum criteria set forth in this Section and are, therefore, approved.

Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1283.45 Application for a License as an Associate Marriage and Family Therapist

- a) An applicant for a license as an associate marriage and family therapist shall file an application, on forms supplied by the DivisionDepartment, that includes the following:
 - 1) Verification, on forms provided by the DivisionDepartment, that the applicant has completed the education requirements defined in Section 1283.30 and holds one of the following:
 - A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
 - B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and

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family therapy as set forth in Section 1283.30(b) and (c); or

- C) A master's or doctoral degree from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy.

2) ~~A complete work history since graduation from a master's program.~~

3) The required license fee set forth in Section 1283.95(a)(2).

34) Certification, on forms provided by the ~~Division~~Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) A license as an associate marriage and family therapist shall be valid for 5 years. The license may not be renewed.

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department or the Board because of lack of information, discrepancies or conflicts in information given or 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 the relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.

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

Section 1283.46 Application for Examination/Licensure for an Individual Licensed as an Associate Marriage and Family Therapist

- a) An individual holding a license as an associate marriage and family therapist who is applying for examination/licensure as a marriage and family therapist shall file an application, on forms supplied by the ~~Division~~Department, at least 90 days prior to an examination date. The application shall include:
- 1) Verification, on forms provided by the ~~Division~~Department, signed by an employer or supervisor that following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work;
 - 2) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25;
 - 3) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20;
 - 4) ~~A complete work history since issuance of the license as an associate marriage and family therapist;~~
 - 5) The fee set forth in Section 1283.95(a)(1);
 - 56) Certification, on forms provided by the ~~Division~~Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of

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disciplinary actions taken or pending.

- b) An applicant who has taken and passed the examination in another jurisdiction shall have the examination submitted to the DivisionDepartment directly from the testing service.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the DivisionDepartment or the Board because of lack of information, discrepancies or conflicts in information given or 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 the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

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

Section 1283.50 Application for Examination/Licensure

- a) An applicant for examination shall file an application, on forms supplied by the DivisionDepartment, at least 90 days prior to an examination date. The application shall include:
 - 1) Verification, on forms provided by the DivisionDepartment, that the applicant has completed the education requirements defined in Section 1283.30 and holds one of the following:
 - A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
 - B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) and (c); or
 - C) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy

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education of the American Association for Marriage and Family Therapy.

- 2) Verification, on forms provided by the ~~Division~~Department, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work.
- 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 of this Part.
- 4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20.
- 5) ~~A complete work history since graduation from a master's program.~~
- 6) The required fee set forth in Section 1283.95(a)(1).
- 67) Certification, on forms provided by the ~~Division~~Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) An applicant for licensure who has taken and passed the examination set forth in Section 1283.40 in another jurisdiction shall file an application in accordance with subsection (a) ~~above~~ and have his/her examination scores submitted to the ~~Division~~Department directly from the testing entity.
- c) In lieu of subsections (a)(1), (2), (3) and (4) ~~above~~, the ~~Division~~Department shall

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accept certification of clinical membership from the American Association for Marriage and Family Therapy.

- 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~~ 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 clean up any discrepancies or conflicts in information.

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

Section 1283.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a marriage and family therapist shall file an application with the Division~~Department~~, on forms provided by the Division~~Department~~, which includes:
- 1) Certification of meeting education requirements as set forth in Section 1283.30 of this Part;
 - 2) Verification, on forms provided by the Division~~Department~~, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 house of work experience as defined in Section 1283.15 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work;
 - 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 of this Part;
 - 4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20;

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- 5) Certification of successful completion of the examination set forth in Section 1283.40;
 - 6) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and is currently licensed/registered, stating:
 - A) The time during which the applicant was licensed/registered;
 - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) ~~Examinations~~ Examination(s) taken and examination ~~scores~~ score(s) received;
 - 7) ~~A complete work history since graduation from a master's program; and~~
 - 8) The required fee as set forth in Section 1283.95(a)(1).
- b) In lieu of subsections (a)(1), (2), (3) and (4) ~~above~~, the ~~Division~~ Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.
 - c) The ~~Division~~ Department shall either issue a license by endorsement or notify the applicant in writing of the reasons for denying the application.
 - d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

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

Section 1283.70 Renewal

- a) The first renewal period for licensure issued under the Act shall be February 28, 1997. Thereafter every registration issued under the Act shall expire in February 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.

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- b) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete 30 hours of continuing education pursuant to Section 1283.110 of this Part.
- c) 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 or to renew one's license.

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

Section 1283.80 Inactive Status

- a) Licensed marriage and family therapists who notify the ~~Division~~Department, on 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 marriage and family therapist seeking restoration from inactive status shall do so in accordance with Section 1283.90 of this Part.
- c) Any marriage and family therapist whose license is on inactive status shall not use the title "licensed marriage and family therapist" 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 1283.90 Restoration

- a) Any marriage and family therapist 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 1283.95 and providing proof of meeting continuing education requirements during the 2 years prior to restoration.
- 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

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required by Section 55 of the Act and proof of meeting continuing education requirements during the 2 years prior to restoration. The applicant shall also submit either:

- 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 during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 45(c) of the Act; or
 - 3) Proof of passage of the AMFTRB examination during the period the registration was lapsed or on inactive status.
- c) 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 a 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.
- d) Upon the recommendation of the Board and approval by the Director of the Division of Professional Regulation (Director) with the authority delegated by the Secretary of the Department of Financial and Professional Regulation (Secretary), 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 1283.95 Fees

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

- a) Application Fees.

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- 1) The fee for original application for a license as a marriage and family therapist 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 a license as an associate marriage and family therapist is \$100.
 - 3) The application fee for a license as a marriage and family therapist certified or licensed under the laws of another jurisdiction is \$200.
 - 4) The fee for application as a continuing education sponsor is \$500. State agencies, State colleges and State universities in Illinois are exempt from paying this fee.
- b) Renewal Fees.
- 1) The fee for the renewal of a marriage and family therapist license shall be calculated at the rate of \$60 per year.
 - 2) The fee for renewal as a continuing education sponsor is \$125 per year.
- c) General Fees.
- 1) The fee for the restoration of a license other than from inactive status that has been expired for 5 years or less is \$20 plus payment of all lapsed renewal fees.
 - 2) The fee for the restoration of a license that has been expired for more than 5 years is \$300.
 - 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which 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

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changes on ~~Division~~ ~~Department~~ records when no duplicate license is issued.

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

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

Section 1283.100 Professional Conduct

The ~~Division~~ ~~Department~~ may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 85 of the Act which is interpreted to include, but is not limited to, the following acts or practices:

- a) A therapist must not perform, nor pretend to be able to perform, professional services beyond his/her scope of practice. A therapist must not misrepresent credentials, degrees, professional associations, or competencies either through spoken word or written materials. A therapist must immediately retract or correct any misrepresentation. A therapist must correct misrepresentations by third parties as soon as the therapist is informed of the error.
- b) A therapist must not permit an intern or trainee under the therapist's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the intern's status and the name of the supervisor is required. A waiver of liability signed by the client is required when a marriage and family therapy intern or trainee is treating the client.
- c) Therapists must recognize the potentially influential position they may have with respect to clients, students, employees and supervisees. Therapists must conduct

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themselves with sensitivity to clients' potential vulnerability. Therapists should avoid exploiting clients' trust and dependency. Therapists must also make every effort to avoid dual relationships with clients during treatment and following termination of therapy. When a dual relationship cannot be avoided, therapists must take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of dual relationships include but are not limited to close personal friendships, business or other relationships that are used to further a therapist's own interests, or the provision of therapy to students, employees, or supervisees. Sexual intimacy between therapist and client, students or supervisees is prohibited. Sexual intimacy with former clients is prohibited for at least two years after termination of treatment.

- d) A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, actual or potential witnesses or complainants in legal or ethical proceedings.
- e) A therapist who is convicted of any crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action by the [Division](#)~~Department~~. Likewise, a therapist who engages in conduct which could lead to conviction of a crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action.
- f) A therapist who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if an active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems.
- g) It is the responsibility of therapists to seek supervision and/or personal therapy for any problem that is interfering with their ability to perform their professional services.
- h) A therapist must not subject a client to discrimination based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle, sexual or affectional orientation.
- i) A therapist must inform a client of any conflict of interest, values, attitudes, or biases between them that are sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship. However, it is the therapist's responsibility to terminate the professional relationship when it no longer serves the client's needs or interests. It is the responsibility of the therapist

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to facilitate termination and to assist in referring the client to another professional. Termination should be handled with care and sensitivity.

- j) A therapist has the responsibility to be informed of other professional, technical, and administrative resources available to clients. A therapist must utilize those resources and/or refer clients when it is in the best interests of the client.
- k) A therapist must make a referral upon client request regardless of administrative and/or funding mandates.
- l) A therapist must not allow an individual or agency paying for the professional services to a client to exert undue influence over the therapist's work performance and clinical judgment.
- m) A therapist must offer all facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.
- n) A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. The therapist must make this known to the client and assist the client in obtaining a referral to another professional.
- o) A therapist must hold in confidence all information pertaining to a client's therapy. It is the responsibility of the therapist to safeguard client confidences as required by law. This includes a therapist's employees and professional associates.
- p) A therapist must inform a client of the limitations of confidentiality. These limitations include, but are not limited, to:
 - 1) Limitations mandated by the law.
 - 2) The prevention of clear and immediate danger to one or more persons.
 - 3) When the therapist is a defendant in a civil, criminal or disciplinary action arising from the therapy, client confidences may be disclosed in the course of that action.

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- 4) When a written waiver of confidentiality has been obtained, all information revealed must be in accordance with the terms of the waiver. If there is more than one party involved in the therapy, the waiver must be signed by all members legally competent to execute such a waiver.
- 5) When release of information pertaining to a minor is requested, it must be signed by a parent or guardian.
- q) Therapists are responsible to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons.
- r) Therapists are responsible for insuring that the content and disposition of all records are in compliance with all relevant State laws and rules.
- s) The ~~Division~~Department hereby incorporates by reference the Model Code of Ethics of the Association of Marital and Family Therapy Regulatory Boards, 1993, University Park Office, 1843 Austin Bluffs Parkway, Colorado Springs, Colorado 80918, with no later amendments or editions.
- t) The ~~Division~~Department hereby incorporates by reference the AAMFT Code of Ethics, the American Association for Marriage and Family Therapy, 1133 15th Street N.W., Suite 300, Washington, D.C. 20005-2710, 1991, with no later amendments and editions.

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

Section 1283.110 Continuing Education

- a) Continuing Education Hours Requirements
 - 1) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete within the prerenewal period 30 hours of continuing education (CE) relevant to the practice of marriage and family therapy.
 - 2) A prerenewal period is the 24 months preceding February 28 of each odd-numbered year.
 - 3) One CE hour shall equal one clock hour.

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- 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 5) Marriage and family therapists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education
- 1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) ~~below~~, except for those activities provided in subsection (b)(2), (3) and (4) ~~below~~.
 - 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of marriage and family therapy related courses that are a part of the curriculum of a college, university or graduate school of marriage and family therapy. 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 hours for each quarter hour of school credit awarded.
 - 3) CE credit may be earned for verified teaching of a course or program in a college or graduate school approved in accordance with Section 1283.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour of teaching or presenting the course or program material and only for the first presentation of the course or program (i.e., credit shall not be allowed for repetitious presentations).
 - 4) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with marriage and family therapy may be claimed as 5 hours of credit. A presentation must be before a professional audience of marriage and family therapists. Five credit hours may be claimed for only the first time

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the information is published or presented.

5) A maximum of 15 CE hours per renewal period may be earned for completion of a correspondence course (e.g., by mail, computer, etc.) that is offered by an approved sponsor who meets the requirements set forth in subsection (c). Each correspondence course shall include an examination.

c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean the American Association for Marriage and Family Therapy and any other person, firm, association, corporation or group that has been approved and authorized by the Division~~Department~~ upon recommendation of the Board to coordinate and present continuing education courses and programs.

2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Division~~Department~~, along with the fee set forth in Section 1283.95(a)(3) of this Part. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee). The application shall include:

A) Certification:

i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3)~~below~~ and all other criteria in this Section;

ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9)~~below~~;

iii) That upon request by the Division~~Department~~, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. 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;

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- B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of marriage and family therapy;
 - B) Foster the enhancement of general or specialized work in the practice of marriage and family therapy;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) All programs given by approved sponsors shall be open to all marriage

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and family therapists and not be limited to members of a single organization or group.

- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- 8) To maintain approval as a sponsor, each sponsor shall submit to the Division~~Department~~ by February of each odd-numbered year a renewal application, the fee set forth in Section 1283.95(b)(2) of this Part and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 9) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 10) The sponsor shall maintain attendance records for not less than 5 years.
- 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 12) Upon the failure of a sponsor to comply with any one of the requirements of this Section, the Division~~Department~~, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of the sponsor's CE programs until such time as the Division~~Department~~ receives assurances of compliance with requirements

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of this Section.

- 13) Notwithstanding any other provision of this Section, the ~~Division~~Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with the requirements of this Section.
- d) Certification of Compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) ~~above~~.
 - 2) The ~~Division~~Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the ~~Division's~~Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions.
 - 1) If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend

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approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the DivisionDepartment shall restore the license upon payment of the required fee as provided in Section 55(e) and (f) of the Act.
- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the DivisionDepartment a renewal application along with the required fee set forth in Section 55(d) of the Act, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the DivisionDepartment, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the DivisionDepartment shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis by the Board and 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 the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the site of approved programs documented by a currently licensed physician; and
 - D) Any other similar extenuating circumstance.
 - 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in a good standing until the final decision on the application is made by the DivisionDepartment.

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

Section 1283.120 Granting Variances

- a) The Director ~~Department~~ may grant variances from ~~this Part~~these rules in individual cases when ~~her or she~~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 ~~Illinois Marriage and Family Therapy Licensing and Disciplinary~~ Board of the granting of ~~the~~a variance, and the reasons ~~for granting the variance~~therefor, at the next meeting of the Board.

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

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- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. 3000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3000.400	Amendment
3000.425	Amendment
3000.435	Amendment
3000.700	Amendment
3000.701	New Section
3000.705	Repealed
3000.710	Amendment
3000.720	Amendment
3000.725	Amendment
3000.730	Amendment
3000.740	Amendment
3000.745	New Section
3000.750	Amendment
3000.756	Amendment
3000.770	Amendment
3000.780	Amendment
3000.782	New Section
3000.785	Amendment
3000.786	Amendment
3000.787	New Section
3000.790	Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c) (2) and (3) of this Act [230 ILCS 10/5 (c) (2) and (3)].
- 5) A Complete Description of the Subjects and Issues Involved: The Gaming Board's self-exclusion program was established by a rule adopted in 2002 (26 Ill. Reg. 9307, effective June 14, 2002) and amended in 2003 (27 Ill. Reg. 15793, effective September 25, 2003). This rule allows persons who acknowledge that they have a gambling problem to voluntarily exclude themselves from all riverboat gaming operations in Illinois. Under 86 Ill. Adm. Code 3000.780, a person who has been on the Self-Exclusion List for at least 5 years may request the Administrator of the Gaming Board to remove his or her name from the List.

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The current rule is deficient in that it lacks both a standard and process for authorizing the removal of individuals from the Self-Exclusion List. More generally, the rule has confusing organization and, in places, unclear and inconsistent terminology. With the aim of correcting these deficiencies, the proposed rulemaking does the following:

- Rearranges Subpart G of the current rule (86 Ill. Adm. Code 3000.Subpart G) to clearly separate the provisions relating to the Board Exclusion List (involuntary exclusions) from those relating to the Self-Exclusion List.
- Clarifies that self-excluded persons shall be barred from the entire premises of each riverboat gaming operation, and not merely from that portion of the premises devoted to gaming. The current rule does not make clear whether the exclusion applies to the entire riverboat gaming operation or only the gaming areas.
- Clarifies the procedures to be followed when a self-excluded person is found to be present at a riverboat gaming operation. These procedures include notification of a Board agent and forfeiture of all winnings and voucher credits, with a receipt provided to the self-excluded person.
- Requires a person seeking removal from the Self-Exclusion List to demonstrate the elimination (rather than merely alleviation) of the gambling problem that led the person to initially place his or her name on the List.
- Requires persons seeking removal from the Self-Exclusion List to provide specified information, documentation, recommendations and forms to the Administrator. These include identifying personal information, documentation of treatment received, a recommendation from at least one certified gambling counselor as to the person's capacity to engage in gaming without health risks or other adverse consequences, written consent to the release of pertinent medical and counseling records, waiver of liability for the Board, its agents and the State of Illinois, affirmation that the individual has not been present at a riverboat gaming operation while on the Self-Exclusion List and any additional materials required by the Administrator. The Administrator may also require a person seeking removal from the List to submit to an interview at a Gaming Board office. The Administrator will not consider an application for removal until the applicant has complied with all of the requirements listed above.
- Establishes a procedure for administrative appeals in the event the Administrator denies a request for removal from the Self-Exclusion List. To prevail on administrative appeal, the petitioner must state with specificity facts that

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constitute clear and convincing evidence for removal of the petitioner's name from the List. The Board may either deny a petition or set the matter for de novo hearing before an Administrative Law Judge, whose findings of fact, conclusions of law and recommendations shall be issued to the Board and followed by a final Board order affirming or reversing the recommendations. The Board's denial of a petition for removal from the Self-Exclusion List is a final Board action subject to judicial appeal under the Administrative Review Law (735 ILCS 5/Art. III).

- Authorizes each owner licensee to establish its own policy for allowing or disallowing individuals removed from the Self-Exclusion List to enter or game on its riverboat gaming operation. An owner licensee has no obligation to provide assistance to a person removed from the Self-Exclusion List.
 - Allows any individual removed from the Self-Exclusion List to subsequently ask to be placed on this List again. A second placement on the List shall be permanent.
 - Requires the Gaming Board to provide persons seeking removal from the Self-Exclusion List pertinent information about post-treatment information and referrals.
 - Makes conforming changes to Subpart D of the current rule (86 Ill. Adm. Code 3000.Subpart D) relating to Board hearing procedures.
- 6) Published Studies and Reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The objectives of the proposed rulemaking are to insert needed standards and procedures governing removals of persons from the Self-Exclusion List, as well as to clarify various ambiguities in the language of the current self-exclusion rule.

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- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Michael Fries
Chief Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. (312) 814-7253
mfries@revenue.state.il.us

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other Procedures required for compliance: The proposed rulemaking will impose no additional requirements.
 - C) Types of Professional Skills Necessary for Compliance: The proposed rulemaking will impose no additional requirements.
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not anticipated when the regulatory agendas were published.

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

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

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3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation

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3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,
 RESTRICTION OF LICENSE, ~~OR~~ PLACEMENT ON BOARD EXCLUSION LIST OR
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

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Section

3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section

3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section

3000.600	Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips
3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, Tokens and Cash
3000.640	Exchange of Chips, and Tokens, <u>and Vouchers</u>

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3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips, Tokens, and Vouchers
3000.660	Minimum Standards for Electronic Gaming Devices
3000.661	Minimum Standards for Voucher Systems
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

Section

3000.700	<u>Organization of Subpart</u> Duty to Exclude
<u>3000.701</u>	<u>Duty to Exclude</u>
3000.705	Voluntary Self-Exclusion Policy (Repealed)
3000.710	Distribution and Availability of <u>Board</u> Exclusion List <u>Lists</u>
3000.720	Criteria for Exclusion or Ejection and Placement on <u>the Board</u> an Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from <u>the Board</u> Exclusion List
<u>3000.745</u>	<u>Voluntary Self-Exclusion Policy</u>
3000.750	Establishment of an Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List
3000.770	Duties of Owner Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
<u>3000.782</u>	<u>Required Information, Recommendations, Forms and Interviews</u>
3000.785	Appeal of a Notice of Denial of Removal
<u>3000.786</u>	<u>Duties of Owner Licensees to Persons Removed from the Self-Exclusion List</u>
<u>3000.787</u>	<u>Placement on the Self-Exclusion List Following Removal</u>
3000.790	Duties of the Board

SUBPART H: SURVEILLANCE AND SECURITY

Section

3000.800	Required Surveillance Equipment
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3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section	
3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

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3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
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SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

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3000.1100	Coverage of Subpart
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3000.1126	Appointment of Hearing Officer

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3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 29, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; emergency amendment at 28 Ill. Reg. 13238, effective September 22, 2004, for a maximum of 150 days; emergency expired February 18, 2005; amended at 29 Ill. Reg. 10590, effective July 7, 2005; emergency amendment at 29 Ill. Reg. 20095, effective November 23, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8643, effective April 19, 2006; amended at 30 Ill. Reg. 9177, effective April 26, 2006; amended at 30 Ill. Reg. _____, effective _____.

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE, ~~OR~~
PLACEMENT ON BOARD EXCLUSION LIST OR REMOVAL FROM BOARD

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EXCLUSION LIST OR SELF-EXCLUSION LIST**Section 3000.400 Coverage of Subpart**

~~This~~The rules contained in this Subpart shall govern all hearings requested upon issuance of a Notice of Denial or Restriction of licensure, Notice of Denial of an application for transfer of ownership interest, a Notice of Placement on the Board Exclusion List, ~~or a~~ Petition for Removal from the Board Exclusion List or Petition for Removal from the Self-Exclusion List, except that Section 3000.405(a), (b), (c) and (d) shall not apply to hearings on Petitions for Removal from the Board Exclusion List or the Self-Exclusion List. Hearings under this Subpart are de novo proceedings for the creation of an evidentiary record regarding restriction of license, the placement of an individual on an exclusion list or an applicant's suitability for licensure or transfer. A hearing under this Subpart is not an appeal of Board action.

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

Section 3000.425 Proceedings

- a) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing by clear and convincing evidence that the petitioner is suitable for licensing or a transfer of ownership, that the petitioner should not be excluded under Section 3000.720, ~~or~~ that the petitioner's name should be removed from the Board Exclusion List under Section 3000.740 or that the petitioner's name should be removed from the Self-Exclusion List under Section 3000.785.
- b) Any testimony shall be given under oath or affirmation.
- c) Both parties may present an opening statement on the merits. Petitioner proceeds first.
- d) The petitioner shall then present its case-in-chief.
- e) Upon conclusion of the petitioner's case-in-chief, the respondent may move for a directed finding. The hearing officer may hear arguments on the motion or may grant, deny or reserve decision thereon, without argument.
- f) If no motion for directed finding is made, or if such motion is denied or decision reserved thereon, the respondent may present its case.

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- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon conclusion of the respondent's case, the petitioner may present evidence in rebuttal.
- i) Both parties may present closing argument. The petitioner proceeds first, then the respondent and thereafter the petitioner may present rebuttal argument.

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

Section 3000.435 Sanctions and Penalties

- a) The hearing officer may impose sanctions and penalties if the hearing officer finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and penalties include but are not limited to default judgment or directed finding on one or more issues.
- b) If a petitioner fails to testify on his own behalf with respect to any question propounded to him, the hearing officer may infer therefrom that such testimony or answer would have been adverse to the case of the party refusing to testify.
- c) If the petitioner or its agent fails to answer a subpoena or refuses to testify fully at the request of the Board, such failure or refusal may be deemed independent grounds for a finding that the petitioner is unsuitable for licensing or that the petitioner should be placed or remain on the Board Exclusion List or that the petitioner should remain on the Self-Exclusion List. In addition, the hearing officer may infer therefrom that such testimony would have been adverse to the petitioner.
- d) Failure of petitioner to appear at a hearing shall constitute an admission of all matters and facts contained in the Notice of Denial. In such cases the hearing officer may take action based upon such admission or upon any other evidence, including affidavits, without any further notice to the petitioner.

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

SUBPART G: EXCLUSION OF PERSONS

Section 3000.700 Organization of Subpart~~Duty to Exclude~~

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~~Sections 3000.701 through 3000.740 of this Subpart apply to the Board Exclusion List established by Section 3000.710 and do not apply to the Self-Exclusion List established by Section 3000.750. Sections 3000.745 through 3000.790 of this Subpart apply to the Self-Exclusion List established by Section 3000.750 and do not apply to the Board Exclusion List established by Section 3000.710. No Excluded Person shall be permitted entry into any portion of a Riverboat Gaming Operation. When a person is placed on the Board Exclusion List by the Administrator, such person shall be prohibited from contact of any kind with any Riverboat Gaming Operation in the State of Illinois unless and until a determination is made by the Board or a court to the contrary. It shall be the duty of the holder of the Owner's License and of his employees to exclude or eject from a Riverboat Gaming Operation any Excluded Person when such holder or employee knows, or reasonably should know, of the presence of such Excluded Person. It shall further be the duty of the holder of the Owner's License to inform the Administrator in writing of the names of persons such holder reasonably believes meet the criteria for placement on an Exclusion List.~~

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

Section 3000.701 Duty to Exclude

~~No excluded person shall be permitted entry into any portion of a riverboat gaming operation. When a person is placed on the Board Exclusion List by the Administrator, such person shall be prohibited from contact of any kind with any riverboat gaming operation in the State of Illinois unless and until a determination is made by the Board or a court to the contrary. It shall be the duty of the holder of an owner's license and of its employees to exclude or eject from a riverboat gaming operation any excluded person when such holder or employee knows or reasonably should know of the presence of such excluded person. It shall further be the duty of the holder of an owner's license to inform the Administrator in writing of the names of persons such holder reasonably believes meet the criteria for placement on the Board Exclusion List.~~

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

Section 3000.705 Voluntary Self-Exclusion Policy (Repealed)

~~The Board shall provide a procedure whereby a person who acknowledges that he or she has a gambling problem may self-identify and self-exclude himself or herself from Illinois riverboat gaming operations. The procedure shall require the self-excluded persons to pledge to not enter the gaming area of or engage in gaming in Illinois riverboat gaming operations and agree to be removed voluntarily from all mailing, marketing and promotional lists and databases.~~

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

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Section 3000.710 Distribution and Availability of Board Exclusion List~~Lists~~

The Board shall maintain a list of persons to be ejected or excluded from a riverboat gaming operation. ~~This list shall be known as the Board Exclusion List.~~~~Riverboat Gaming Operation.~~
 The list shall be distributed to each riverboat gaming operation.~~Riverboat Gaming Operation~~ which shall acknowledge receipt of the list in writing. The list may also be distributed to law enforcement agencies. The following information, to the extent known, shall be provided for each person on the Board Exclusion List~~Excluded Person~~:

- a) The full name and date of birth and all aliases;
- b) A physical description;
- c) The effective date the person's name was placed on the list;
- d) A photograph, if available;
- e) The person's occupation and his current home and business address; and
- f) Such other information as deemed necessary by the Administrator.

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

Section 3000.720 Criteria for Exclusion or Ejection and Placement on the Board~~an~~ Exclusion List

The Administrator may place a person on the Board Exclusion List or eject such person from a riverboat gaming operation.~~Riverboat Gaming Operation~~ if ~~that~~~~such~~ person has:

- a) Been convicted in any jurisdiction of a felony, ~~in any jurisdiction~~, any crime of moral turpitude or a crime involving gaming.~~Gaming~~;
- b) Violated either the Act or this Part~~these rules~~;
- c) Performed any act or had a notorious or unsavory reputation that~~which~~ would adversely affect public confidence and trust in gaming.~~Gaming~~; or
- d) His or her name on any valid and current exclusion list.~~Exclusion List~~ from another jurisdiction in the United States.

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

Section 3000.725 Duty of Licensees

No licensee shall knowingly allow any person excluded pursuant to Section 3000.720 to gamble at or enter its riverboat gaming operation~~the premises of the Riverboat Gaming Operation.~~

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

Section 3000.730 Procedure for Entry of Names

- a) Upon a determination that a person comes under any one of the criteria listed in Section 3000.720, that~~such~~ person shall be deemed a candidate for exclusion, and the Administrator shall file a Notice of Exclusion. The notice~~Such Notice~~ shall include the identity of the candidate, the nature and scope of the circumstances or reasons that the~~such~~ person should be placed on the Board Exclusion List, names of potential witnesses, and a recommendation as to whether the exclusion or ejection shall be permanent. The notice~~Notice~~ shall also inform such person of the availability of a hearing by the Board pursuant to Subpart D. A request for a hearing must be made within thirty~~(30)~~ days from the date the Notice of Exclusion was postmarked.
- b) When a person is excluded or ejected, that~~such~~ person is prohibited from further contact of any kind with any riverboat gaming operation~~Riverboat Gaming Operation~~ in the State of Illinois unless and until a determination is made by the Board on the merits of a filed Notice of Exclusion or a requested hearing pursuant to Subpart D of this Part. If a determination by the Board is examined under judicial review pursuant to Section 17.1 of the Act, then the exclusion shall continue until the judicial review is completed.
- c) If the Board or a subsequent judicial review finds in favor of the candidate or excluded person~~Excluded Person~~, then his or her name shall be removed from the Board Exclusion List and his or her exclusion shall be terminated as of the date of the action by the Board or the court. If the finding is against the candidate or excluded person~~Excluded Person~~, his or her name shall be placed on the Board Exclusion List. If no hearing is requested, the person's name shall be placed on the Board Exclusion List. If the Notice of Exclusion requests a temporary exclusion, and the Administrator agrees to make the exclusion temporary, the Administrator shall set the term of the temporary exclusion. In making this time determination, the Administrator may consider the recommendation of his staff,

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~~but in~~ no case shall ~~such~~ a temporary exclusion be less than ~~six (6)~~ months. ~~A~~Such temporary exclusion or ejection shall only apply to those persons excluded or ejected for criteria relating as it relates to conduct. All other exclusions or ejections shall be permanent.

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

Section 3000.740 Petition for Removal from the Board Exclusion List

- a) Any person who has been placed on the Board Exclusion List may, after the expiration of one year from the date of placement on the list or from the conclusion of any hearing or appeal associated with placement on the list, whichever is later, petition the Board, in writing, and request that his or her name be removed from the list. The petition shall be verified and state with specificity facts believed by the petitioner to constitute clear and convincing evidence for removal of his or her name from the list. The petition shall be notarized and shall include a certification in the following form:

The undersigned certifies that the statements set forth in this petition are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

- b) The Board shall either deny the petition or set the petition for hearing. The Board may deny a petition for removal from the Board Exclusion List if the petition fails to comply with any of the requirements of subsection (a) of this Section or if the facts contained in the petition are the same or substantially the same facts that the petitioner set forth in a request for hearing under Section 3000.405 or previous petition for removal under this Section. In the event the Board elects to set the petition for hearing, the procedures specified in Subpart D of this Part, with the exception of Section 3000.405(a), (b), (c) and (d), shall apply.
- c) Any information, including the record of evidence and testimony, if any, used by the Board in making its original determination to exclude petitioner may be considered by the Board, provided, however, that the record shall not be reopened.
- d) The Board's denial of a petition for removal from the Exclusion List is a final decision of the Board. Judicial review of the final order of the Board shall be conducted in accordance with the Administrative Review Law [735 ILCS 5/Art.

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III] pursuant to Section 17.1(b) of the Riverboat Gambling Act [230 ILCS 10/17.1(b)].

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

Section 3000.745 Voluntary Self-Exclusion Policy

The Board shall provide a procedure whereby a person who acknowledges that he or she has a gambling problem may self-identify and self-exclude himself or herself from Illinois riverboat gaming operations. The procedure shall require self-excluded persons to agree not to enter any riverboat gaming operations and agree to be removed voluntarily from all mailing, marketing and promotional lists and databases.

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

Section 3000.750 Establishment of a Self-Exclusion List

- a) Any person who acknowledges that he or she has a gambling problem may request of the Board that he or she be excluded voluntarily from all riverboat gaming operations in Illinois on a permanent basis, except as limited by Section 3000.780. A person shall be placed on the Self-Exclusion List upon submission of all information and completion and execution of all forms required under Section 3000.755, as enforced by the Administrator~~by the Board~~.
- b) Any person placed on the Self-Exclusion List shall be prohibited for a minimum of ~~5~~five years from entering ~~the gaming premises of~~ any riverboat gaming operation in the State of Illinois. Any gaming operation in the United States owned or operated by an affiliate of an Illinois riverboat gaming operation may, in its sole discretion, prohibit a person placed on the Self-Exclusion List from entering its affiliated gaming operations. Any gaming regulatory agency in any state with which the Board enters into an agreement to share confidentially the information contained in the Self-Exclusion List may, in its sole discretion, prohibit a person placed on the Self-Exclusion List from entering any gaming operation within its jurisdiction.~~and any gaming regulatory agency in any state with which the Board enters into an agreement to share confidentially the information contained on the Self-Exclusion List may, at its sole discretion, prohibit a person placed on the Self-Exclusion List from entering the gaming premises or any part of its affiliate gaming operations or other gaming operations within its jurisdiction.~~

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- c) The Administrator shall maintain the Self-Exclusion List in a confidential manner.

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

Section 3000.756 Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion

- a) A person seeking placement on the Self-Exclusion List shall, at the time of the request to be placed on the List, agree in writing that he or she will:
- 1) Not enter any riverboat gaming operation in the State of Illinois; and
 - 2) Forfeit all claimed or unclaimed jackpots and winnings, and all chips, tokens, vouchers or electronic credits in play, in plain view or in the self-excluded person's possession or control, at the time he or she is apprehended, to forfeit all jackpots, chips or tokens in play or in plain view, Vouchers, and electronic credits in his or her possession or control as a sanction for entering the gaming area of a riverboat gaming operation after voluntary placement on the Self-Exclusion List.
- b) ASuch person shall designate, at the time of his or her request for placement on the Self-Exclusion List, the duly registered charitable or governmental agency on a list of gambling support service and/or treatment providers approved by the Department of Human Services that shall receive a donation of assets forfeited by the person as provided by this Section listed in subsection (a), in the future, if and when the self-excluded person enters the gaming area of a riverboat gaming operation.

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

Section 3000.770 Duties of ~~Owner~~ Licensees

- a) No licensee shall knowingly allow any person placed on the Self-Exclusion List pursuant to Section 3000.750 to enter a the gaming premises of, or engage in gambling at, the riverboat gaming operation. The riverboat gaming operation shall cause the name and address of any person on the Self-Exclusion List to be flagged on all mailing, marketing or promotional lists or databases, except as provided in this Part. No licensee shall knowingly send marketing or promotional materials to any person placed on the Self-Exclusion List.

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- b) Owner licensees shall maintain, pursuant to Section 3000.760, a system designed to detect persons on the Self-Exclusion List so as to enforce this Part.
- c) Forfeiture
- 1) A licensee must immediately notify a Board agent upon making a determination that a person listed on the Self-Exclusion List has entered a riverboat gaming operation and remove the person from the riverboat gaming operation.
 - 2) Upon ascertaining that a person on the Self-Exclusion List is present on a riverboat gaming operation, a licensee must inventory, in the presence of an IGB agent, all claimed or unclaimed jackpots and winnings, and all chips, tokens, vouchers or electronic credits in play, in plain view or in the self-excluded person's possession or control, at the time he or she is apprehended. The owner licensee shall provide a receipt to the self-excluded person for all items inventoried.
 - 3) Owner licensees shall refrain from knowingly paying out jackpots under \$1,200 and from paying out all jackpots in amounts of \$1,200 or over won by patrons on the Self-Exclusion List. An Owner licensee must immediately notify an IGB agent upon making a preliminary determination that a person listed on the Self-Exclusion List has entered the gaming premises of a riverboat gaming operation and remove such person from the gaming area. A licensee must determine as expediently as possible, and to the extent practicable, whether there are any jackpots \$1,200 or over due the self-excluded person and if there are any chips, tokens, Vouchers or electronic credits in play by the self-excluded person or in plain view in the possession or control of the self-excluded person at the time he or she is apprehended in a gaming area and provide such information to the IGB agent. Owner licensees shall refrain from knowingly paying out jackpots under \$1,200 and from paying out all jackpots in amounts of \$1,200 or over won by patrons on the Self-Exclusion List because those jackpots are subject to forfeiture.
- d) The riverboat gaming operation shall cause the name and address of any person on the Self-Exclusion List to be flagged on all check-cashing, credit issuance, and other financial eligibility lists or databases utilized by the riverboat gaming operation for any purposes, except as authorized by this Part. Owner licensees shall not knowingly cash checks for, extend gaming operation credit to, or

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otherwise assist a person on the Self-Exclusion List to obtain funds for gambling purposes.

- e) ~~Upon ascertaining that a person on the Self-Exclusion List is on the gaming premises, an owner licensee must inventory, in the presence of an IGB agent, and provide a receipt to the self-excluded person for, all jackpots required to be documented, chips or tokens in play or in plain view, Vouchers, and electronic credits in the possession or control of the self-excluded person.~~
- f) ~~An owner licensee may, at its discretion, opt to exclude persons on the Self-Exclusion List from the riverboat gaming operation entirely, rather than just its gaming areas.~~

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

Section 3000.780 Request for Removal from the Self-Exclusion List

- a) Upon the expiration of five years from the date of placement on the Self-Exclusion List, any person who has been placed on the Self-Exclusion List may request the Administrator to remove his or her name from the Self-Exclusion List. The request must be in writing, ~~and~~ state with specificity the reason for the request and be submitted to the Administrator at the Board's Chicago office. ~~The~~ ~~A~~ request must be based on the elimination/alleviation of a mental health or medical condition underlying the person's acknowledgment that he or she has been a problem gambler and unable to gamble responsibly ~~and must include a written recommendation from the treating physician or qualified mental health professional as to the self-excluded person's capacity to participate in gambling without adverse health and mental health risks or consequences related to gambling.~~ Information as to mental health or medical conditions will be maintained pursuant to confidential as provided under the Mental Health and Developmental Disabilities Confidentiality Act [~~740 ILCS 110~~] and other ~~pursuant to~~ applicable federal and State laws.
- b) If the Administrator approves the request, the Administrator shall inform all riverboat gaming operations of the removal no later than 10 days after approval. ~~The Administrator must deny a request if it is not accompanied by the written recommendation required in subsection (a) of this Section.~~ If the Administrator denies the request, the Administrator shall send to the person who has requested removal a Notice of Denial of Removal from the Self-Exclusion List by certified mail. Owner licensees may continue to deny gambling privileges to self-excluded

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persons who have been removed from the List.

- c) A decision whether to remove a person from the Self-Exclusion List shall be within the discretion of the Administrator, subject to the fulfillment of all requirements under Section 3000.782 and further subject to the process provided by Section 3000.785.

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

Section 3000.782 Required Information, Recommendations, Forms and Interviews

- a) A person requesting removal from the Self-Exclusion List must, in connection with the request, provide the Administrator with all of the following:
- 1) Documentation as to treatment received for the person's gambling problem, length of treatment, and names and qualifications of treatment providers.
 - 2) A written recommendation, from a treating physician or qualified mental health professional who is a certified gambling counselor, as to the self-excluded person's capacity to participate in gambling without adverse health and mental health risks or consequences related to gambling. For purposes of this Subpart, "certified gambling counselor" means an individual who has completed a specific course of study in the treatment of problem gambling and has been certified by a certification organization acceptable to the Board and listed on the Board's website.
 - 3) Upon request of the Administrator, a written recommendation, from a second or subsequent physician or qualified mental health professional who is a certified gambling counselor, as to the self-excluded person's capacity to participate in gambling without adverse health and mental health risks or consequences related to gambling.
 - 4) All information required under Section 3000.755(a).
 - 5) A statement informing the Administrator whether the person has been present at any riverboat gaming operations while on the Self-Exclusion List and, if so, the names of the riverboat operations at which the person was present and dates and times of attendance.

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- 6) A waiver of liability of the Board, its agents and the State of Illinois for any damages that may arise out of any act or omission committed by the person as a consequence of his or her removal from the Self-Exclusion List, including any monetary or other damages sustained in connection with the person's renewal of any gaming activities.
- 7) A verified, written consent to the release of all of the person's medical and counseling records related to the proposed removal from the Self-Exclusion List.
- 8) Any additional information, forms, recommendations, or other materials necessary, as determined by the Administrator, to demonstrate the elimination of the mental health or medical condition underlying the person's acknowledgement that he or she has been a problem gambler and unable to gamble responsibly.
- b) Upon request of the Administrator, a person seeking removal from the Self-Exclusion List shall appear for an interview at an office of the Board designated by the Administrator during regular business hours. Persons who are unable to travel to a Board office due to employment, financial or medical reasons may request, in writing, a reasonable accommodation in a manner or at a site and time designated at the sole discretion of the Administrator. Nothing in this Section shall require that an accommodation be granted.
- c) The Administrator shall ascertain to the extent possible whether a person requesting removal from the Self-Exclusion List was ever present at a riverboat gaming operation while on the list.
- d) The Administrator shall not rule on a request for removal from the Self-Exclusion List until all requirements of this Section have been fulfilled.

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

Section 3000.785 Appeal of a Notice of Denial of Removal

- a) A denial by the Administrator of a request by a self-excluded person to be removed from the Self-Exclusion List pursuant to Section 3000.780 shall be subject to review by the Board upon a verified written ~~petition~~ request submitted to the Board within 10 days after the issuance of the Notice of Denial of Removal.

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- b) The petition shall state with specificity facts believed by the petitioner to constitute clear and convincing evidence for removal of his or her name from the Self-Exclusion List. The petition shall be notarized and shall include a certification in the following form:
- The undersigned certifies that the statements set forth in this petition are true and correct, except as to matters in the petition stated to be on information and belief. As to matters stated to be on information and belief, the undersigned certifies that he or she believes these matters to be true and correct.
- c) The Board shall either deny the petition or set the petition for hearing. The Board may deny a petition if:
- 1) The petition fails to comply with any of the requirements of subsection (a) or (b) of this Section;
 - 2) The facts contained in the petition are the same or substantially the same facts that the petitioner set forth in a previous petition filed under this Section; or
 - 3) The petition, assuming all facts contained in it are true and correct, does not establish a prima facie case.
- d) In the event the Board elects to set the petition for hearing, the procedures specified in Subpart D of this Part, with the exception of Section 3000.405(a), (b), (c) and (d), shall apply.
- e) For purposes of hearings conducted under this Section, all information, recommendations, forms, records of interviews and other materials, formal and informal, obtained by the Administrator in accordance with Section 3000.782 shall be considered official Gaming Board records under Section 3000.430 and therefore admissible into evidence.
- f) All proceedings related to an administrative hearing on a Notice of Denial of Removal shall be closed to members of the public unless otherwise consented to in writing by the self-excluded person or allowed by federal or State law.
- g) The Board's denial of a petition brought under this Section is a final decision of the Board. Judicial review of the final order of the Board shall be conducted

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under the Administrative Review Law [735 ILCS 5/Art. III], in accordance with Section 17.1(b) of the Riverboat Gambling Act [230 ILCS 10/17.1(b)].

~~A denial by the Board shall be subject to review as provided under Subpart D. All proceedings related to an administrative hearing on a Notice of Denial of Removal shall be closed to members of the public unless otherwise consented to in writing by the self-excluded person or allowed by federal or State law.~~

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

Section 3000.786 Duties of Owner Licensees to Persons Removed from the Self-Exclusion List

- a) Each owner and manager licensee shall establish its own policies and procedures for allowing or disallowing any person removed from the Self-Exclusion List to enter or game on its riverboat gaming operation subsequent to the person's removal from the Self-Exclusion List. The policies and procedures of owner and manager licensees developed in compliance with this Section shall not be subject to appeal under this Part.
- b) Nothing in this Part shall require any licensee under the Act to provide assistance to a person removed from the Self-Exclusion List.

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

Section 3000.787 Placement on the Self-Exclusion List Following Removal

A person whose name has been removed from the Self-Exclusion List may subsequently request to be placed again on the list. The procedure for placement on the Self-Exclusion List under this Section shall be the same as that for a person requesting placement on the list for the first time. A placement of a person on the Self-Exclusion List under this Section shall be permanent, notwithstanding any other provision of this Subpart.

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

Section 3000.790 Duties of the Board

The Board shall assist a person who acknowledges that he or she has, or has had, a gambling problem as provided in this Part. The Administrator shall provide to a person seeking placement on, or removal from, the Self-Exclusion List pertinent information about the Illinois Department

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of Human Services, including any information about problem gambling and post-treatment assistance, deemed appropriate for distribution by the Department of Human Services. The Administrator may refer any inquiries for assessment, evaluation, ~~and treatment~~ or post-treatment assistance from a person seeking to be placed on, or removed from, the Self-Exclusion List ~~excluded~~ to the ~~Illinois~~ Department of Human Services or another appropriate source of information.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill Adm. Code 121
- 3) Section Number: 121.8 Proposed Action: New Section
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is the result of an administrative decision to partner with America's Second Harvest, Northern Illinois Food Bank, and the U.S. Department of Agriculture Food and Nutrition Service to allow persons to apply for food stamp benefits when they visit their local food pantry in the designated project area. The Express Stamps Application Project will test the feasibility of providing Food Stamp Program access to eligible low-income households not currently enrolled in the program when they seek emergency food assistance at local food pantries. Volunteers at the pantries will explain the benefits of food stamp participation and assist individuals in completing an abbreviated food stamp application. The Illinois Department of Human Services' computer system will make an immediate eligibility determination. Successful applicants will leave the pantry with emergency food to meet immediate needs and an Electronic Benefits Transfer (EBT) card for accessing food stamp benefits.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

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Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income

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

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

- 121.160 Persons Required to Participate

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121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

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

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Component (Repealed)

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

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment

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at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg.

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15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective

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October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: APPLICATION PROCEDURES

Section 121.8 Express Stamps Application Project

- a) The Express Stamps Application Project will operate as a demonstration project in designated food pantries for a two-year period. An abbreviated web-based food stamp application will be electronically transmitted to the Department of Human Services (DHS) from persons interested in applying for food stamps.
- b) A household may not participate in the Express Stamps Application Project if:
 - 1) the household has received food stamps or Express Stamp benefits in the past 12 months;
 - 2) the applicant does not have verification of identity;
 - 3) the household does not reside in one of the pilot site counties;
 - 4) a household member's income or assets are unknown;

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- 5) an adult household member's Social Security Number is unknown;
 - 6) a member is a non-citizen but not a legal immigrant;
 - 7) a member of the household voluntarily quit work, reduced his or her hours of work, or is on strike;
 - 8) an adult member of the household is a student of higher education;
 - 9) a member of the household is a fleeing felon, resident of a drug or alcohol treatment center or disqualified for an Intentional Program Violation; or
 - 10) a member has to meet the food stamp work requirement (see Section 121.18, Work Requirement).
- c) If the household is not eligible to participate in the Express Stamps Application Project for one of the reasons listed in subsection (b), an application will not be accepted at the food pantry. The applicant will be told he or she is not eligible to participate in the project and he or she will be given a food stamp application and referred to his or her local DHS office to apply for the regular food stamp program.
 - d) Separate household status will be granted to individuals 60 or older who live with others and who are unable to purchase and prepare meals because of a disability, without determining if the income of the other household members exceeds 65 percent of the poverty line.
 - e) The citizenship requirements defined in Section 121.20 will be satisfied by the applicant's attestation that each household member is a citizen or legal immigrant.
 - f) The household's gross monthly income as reported by the applicant will be used to determine eligibility for food stamps.
 - g) Non-categorically eligible households will meet the asset limit to qualify for benefits if the applicant reports that the household does not have assets in excess of the appropriate limit (see Section 121.59).
 - h) The applicant will sign the application utilizing an electronic signature method.
 - i) No face-to-face interview with DHS will be required.

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- j) The date of application is the next business day if the application is received after 5:00 p.m. or on a holiday or weekend.
- k) If eligible for food stamps, one month of benefits will be issued if the application is filed on or before the 15th of the fiscal month and two months of benefits if the application is filed after the 15th of the fiscal month. (See 89 Ill. Adm. Code 101.20 for a definition of "fiscal month".)
- l) A notice of disposition (see 89 Ill. Adm. Code 10.270, Notice to Client) of the application accepted for the Express Stamps Application Project will be sent to all applicants. If approved for Express Stamps, the notice will contain information that, to continue to receive food stamp benefits, an application must be filed at the local DHS office within 17 calendar days from the date of the notice (see Section 121.120).

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

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- 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 West Jefferson St., 5th Floor
Springfield, Illinois 62761
- 217/782-2043
e-mail: rules@idph.state.il.us
- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Ambulatory Surgical Treatment Centers
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Medical license
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because the need for this rulemaking was unknown at the time the Regulatory Agenda was published.

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	
205.110	Definitions
205.115	Incorporated and Referenced Materials
205.118	Conditions of Licensure
205.120	Application for Initial Licensure
205.125	Application for License Renewal
205.130	Approval of Surgical Procedures
205.135	Diagnostic Cardiac Catheterization Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section	
205.210	Ownership, Control and Management
205.220	Organizational Plan
205.230	Standards of Professional Work
205.240	Policies and Procedures Manual

SUBPART C: PERSONNEL

Section	
205.310	Personnel Policies
205.320	Presence of Qualified Physician
205.330	Nursing Personnel
205.340	Basic Life Support
205.350	Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	
205.410	Equipment
205.420	Sanitary Facility

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SUBPART E: GENERAL PATIENT CARE

- Section
- 205.510 Emergency Care
- 205.520 Preoperative Care
- 205.530 Operative Care
- 205.540 Postoperative Care

SUBPART F: RECORDS AND REPORTS

- Section
- 205.610 Clinical Records
- 205.620 Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

- Section
- 205.710 Pregnancy Termination Specialty Centers
- 205.720 Personnel (Repealed)
- 205.730 General Patient Care (Repealed)
- 205.740 Preoperative Requirements (Repealed)
- 205.750 Postoperative Requirements (Repealed)
- 205.760 Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

- Section
- 205.810 Complaints
- 205.820 Notice of Violation
- 205.830 Plan of Correction
- 205.840 Adverse Licensure Action
- 205.850 Fines and Penalties
- 205.860 Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

- Section
- 205.1310 Plant and Service Requirements

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205.1320	General Considerations
205.1330	New Construction, Additions and Major Alterations
205.1340	Minor Alterations and Remodeling Changes
205.1350	Administration Department and Public Areas
205.1360	Clinical Facilities
205.1370	Support Service Areas
205.1380	Diagnostic Facilities
205.1390	Other Building Services
205.1400	Details and Finishes
205.1410	Construction, Including Fire-Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section	
205.1510	General
205.1520	Thermal and Acoustical Insulation
205.1530	Steam and Hot Water Systems
205.1540	Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section	
205.1610	General
205.1620	Plumbing Fixtures
205.1630	Water System
205.1640	Drainage Systems
205.1650	Identification

SUBPART L: ELECTRICAL

Section	
205.1710	General
205.1720	Switchboards and Power Panels
205.1730	Panelboards
205.1740	Lighting
205.1750	Receptacles (Convenience Outlets)
205.1760	Grounding
205.1770	Equipment Installation in Special Areas
205.1780	Emergency Electric Service
205.1790	Fire Alarm System

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205.TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory
Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019, effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 25 Ill. Reg. 7471, effective May 31, 2001; amended at 26 Ill. Reg. 16556, effective October 25, 2002; amended at 27 Ill. Reg. 13457, effective July 25, 2003; amended at 30 Ill. Reg. _____, effective _____.

SUBPART C: PERSONNEL

Section 205.320 Presence of Qualified Physician

A qualified physician shall be present at the facility until all patients are medically discharged.
The discharge criteria shall be defined by the qualified consulting committee at all times during the operative and postoperative period for all patients.

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

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
250.1110	New Section
250.1120	New Section
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: The Hospital Licensing Requirements regulate hospital licensure. The proposed amendments add two new Sections to the rules.

Section 250.1110 (Mandatory Overtime Prohibition) implements Public Act 94-0349, which prohibits mandatory overtime, with some exceptions called "unforeseen emergent circumstances." This Act prohibits hospitals from forcing nurses to work overtime without their consent. Hospitals also are prohibited from retaliating against nurses who refuse to work overtime.

Section 250.1120 (Staffing Levels) is being added to ensure that hospitals have adequate staffing to meet the needs of patients and the requirements of P.A. 94-0349.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: rules@idph.state.il.us
- 13) Initial Regulatory Flexibility Analysis:
 - A) Type of small businesses, small municipalities and not-for-profit corporations affected: Hospitals
 - B) Reporting, bookkeeping or other procedures required for compliance: Adequate levels of nursing staff will need to be maintained.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

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- 250.110 Application for and Issuance of Permit to Establish a Hospital
- 250.120 Application for and Issuance of a License to Operate a Hospital
- 250.130 Administration by the Department
- 250.140 Hearings
- 250.150 Definitions
- 250.160 Incorporated and Referenced Materials

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- 250.210 The Governing Board
- 250.220 Accounting
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- 250.240 Admission and Discharge
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250.2210	Applicability of other Parts of these Regulations
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250.APPENDIX A	Codes and Standards (Repealed)
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250.TABLE A	Measurements Essential for Level I, II, III Hospitals
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250.TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas
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AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15,

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2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section 250.1110 Mandatory Overtime Prohibition

a) As used in this Section, the following definitions apply:

"Agreed-to, predetermined shift" – nursing hours of work, provided in advance to staff, in a prospective nurse staffing schedule for each patient care unit. Any work hours in addition to the pre-determined shifts or prospective work schedule must be agreed to between the nurse and the employer.

"Call-back" – those instances when a nurse accepts "on-call" and is subsequently asked to return to his or her normally assigned nursing unit to perform such nursing duties as are required of the specific patient care population.

"Mandated overtime" – work that is required by the hospital in excess of an agreed-to, predetermined work shift. Time spent by nurses required to be available as a condition of employment in specialized units, such as surgical nursing services, shall not be counted or considered in calculating the amount of time worked for the purpose of applying the prohibition *against* mandated overtime. (Section 10.9(a) of the Act)

"Nurse" – any advanced practice nurse, registered professional nurse, or licensed practical nurse, as defined in the Nursing and Advanced Practice Nursing Act, who receives an hourly wage and has direct responsibility to oversee or carry out nursing care. For the purposes of this Section, "advanced practice nurse" does not include a certified registered nurse anesthetist who is primarily engaged in performing the duties of a nurse anesthetist. (Section 10.9(a) of the Act)

"On-call" – means nurses will be assigned specific agreed-to, predetermined work shift hours of availability only if on-call is required to be a condition of employment or as a work obligation on a specific unit; and on-call hours are included in the agreed-to, predetermined work schedule. Additional hours of on-call in excess of the nurse's predetermined hours of work shall be strictly voluntary. The refusal of an employee to accept such on-call availability is not grounds for discrimination, dismissal, discharge, or any other penalty, threat of reports for discipline, or employment decisions adverse to the employee. On-call

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is not to be used to fill vacancies resulting from chronic, foreseeable staff shortages.

"Overtime" – the hours of work in excess of an agreed-to predetermined regularly scheduled shift, not to exceed 40 hours of work in a seven-day workweek.

"Retaliation" – disciplining, discharging, suspending, demoting, harassing, denying employment or promotion, laying off, or taking any adverse action against a nurse.

"Specialized unit" – a unit, such as surgical nursing services.

"Substantially affect" – affecting a situation, except for deviations that result in unimportant changes, given the particular situation involved.

"Unforeseen emergent circumstances" –

Any declared national, State or municipal disaster or other catastrophic event, or implementation of a hospital's disaster plan, that will substantially affect or increase the need for health care services; or

Any circumstances in which patient care needs require specialized nursing skills through the completion of a procedure.

An "unforeseen emergent circumstance" does not include situations in which the hospital fails to have enough nursing staff to meet the usual and reasonably predictable nursing needs of its patient. (Section 10.9(a) of the Act)

- b) *Mandated overtime is prohibited. No nurse shall be required to work mandated overtime except in the case of an unforeseen emergent circumstance when such overtime is required only as a last resort.*
- 1) *Such mandated overtime shall not exceed 4 hours beyond an agreed-to, predetermined work shift. (Section 10.9(b) of the Act)*
 - 2) *Time spent by nurses required to be available as a condition of employment in specialized units, such as surgical nursing services, shall not be counted or considered in calculating the amount of time worked for*

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the purpose of applying the prohibition against mandating overtime.
(Section 10.9(a) of the Act)

- c) *When a nurse is mandated to work up to 12 consecutive hours, the nurse shall be allowed at least 8 consecutive hours of off-duty time immediately following the completion of a shift.* (Section 10.9(c) of the Act)
- d) *No hospital shall discipline, discharge, or take any other adverse employment action against a nurse solely because the nurse refused to work mandated overtime as prohibited under subsection (b) of this Section.* (Section 10.9(d) of the Act)
- e) *Violations*
- 1) *Any employee of a hospital that is subject to the Act and this Part may file a complaint with the Department of Public Health regarding an alleged violation of the Act.* (Section 10.9(e) of the Act)
- A) *A complaint shall be submitted to the Department in writing, by telephone, or by personal visit.*
- B) *An oral complaint will be reduced to writing by the Department.*
- 2) *The complaint shall be filed within 45 days following the occurrence of the incident giving rise to the alleged violation. The Department will forward notification of the alleged violation to the hospital in question within 3 business days after the complaint is filed.* (Section 10.9(e) of the Act)
- 3) *Upon receiving a complaint of a violation of this Section, the Department may take any action authorized under Section 7 or 9 of the Act.* (Section 10.9(e) of the Act)
- f) *Any violation of this Section shall be proved by clear and convincing evidence that a nurse was required to work overtime against his or her will. The hospital may defeat the claim of a violation by presenting clear and convincing evidence that an unforeseen emergent circumstance, which required overtime work, existed at the time the employee was required or compelled to work.* (Section 10.9(f) of the Act) Hearings shall be conducted in accordance with Section 250.140 of this Part.

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

Section 250.1120 Staffing Levels

a) As used in this Section, the following definitions apply:

"Nursing care" – care that falls within the scope of practice set forth in the Nursing and Advanced Practice Nursing Act 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 Hospital Report Card Act [210 ILCS 86])

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

"Unit" – a functional division or area of a hospital in which nursing care is provided. (Section 10 of the Hospital Report Card Act)

b) *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 of the Hospital Report Card Act)*

c) *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. 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. Upon the roster's expiration, the hospital shall retain the roster for 5 years from the date of its expiration. (Section 15 of the Hospital Report Card Act)*

d) *All records required under this Section and Section 15 of the Hospital Report Card Act, including anticipated staffing schedules and the methods to determine*

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and adjust staffing levels, shall be made available to the public upon request.
(Section 15 of the Hospital Report Card Act)

- e) *All records required under this Section and Section 15 of the Hospital Report Card Act shall be maintained by the facility for no less than 5 years.* (Section 15 of the Hospital Report Card Act)
- f) *A hospital covered by the Hospital Report Card Act shall not penalize, discriminate, or retaliate in any manner against an employee with respect to compensation or the terms, conditions, or privileges of employment who in good faith, individually or in conjunction with another person or persons, reports violations of the Hospital Licensing Act or the Hospital Report Card Act pursuant to Sections 35 and 40 of the Hospital Report Card Act.* (Section 35 of the Hospital Report Card Act)

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health Care Worker Background Check Code
- 2) Code Citation: 77 Ill. Adm. Code 955
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
955.100	Amendment
955.110	Amendment
955.120	Amendment
955.130	Amendment
955.145	New Section
955.150	Amendment
955.170	Amendment
955.185	New Section
955.190	Amendment
955.200	Amendment
955.205	New Section
955.230	Amendment
955.260	Amendment
955.270	Amendment
955.280	Amendment
955.300	New Section
955.305	New Section
955.310	New Section
955.320	New Section
955.330	New Section
- 4) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]
- 5) A Complete Description of the Subjects and Issues Involved: The Health Care Worker Background Check Code (77 Ill. Adm. Code 955) establishes standards for conducting criminal history record checks for home health care aides, nurse aides, personal care assistants, private duty nurse aides, day training personnel, and any individual working in a similar health care occupation.

The proposed amendments were drafted to implement Public Act 94-0665, which expanded the purpose and scope of the Health Care Worker Background Check Act [225 ILCS 46], and added a new Section to implement a federal grant from the Centers for Medicare and Medicaid Services (CMMS).

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Section 955.100 (Applicability) is being amended to add all individuals who have access to long-term care residents or their living quarters or financial, medical, or personal records to the list of people required to undergo background checks, including those in non-medical professions.

Section 955.110 (Definitions) is being amended to add "access worker," new fields under the definitions of "health care employer," "health care worker registry," and "long-term care facility" to the list of definitions.

Section 955.120 (Referenced Materials) is being amended to add new state and federal statutes to the list of incorporated and referenced materials.

Section 955.130 (Exceptions) is being amended to incorporate language regarding the CMMS grant.

Section 955.145 (Policy Defining Access Worker) is being added to require licensed entities to establish policies defining which employees are access workers.

Section 955.150 (Employment Prohibition) is being amended to add non-medical employees of long-term care facilities to the list of individuals who are prohibited from working in a health care facility if they have a disqualifying offense, unless they have obtained a waiver.

Section 955.170 (Non-Fingerprint-Based UCIA Criminal History Records Check) is being amended to add a subsection requiring long-term care facilities to have initiated criminal history record checks for employees covered by Part 955 by January 1, 2006.

Section 955.185 (Criminal History Records Checks after January 1, 2006) is being added to clarify the requirements for criminal history records checks for employees hired after January 1, 2006, and workers employed prior to that date.

Section 955.190 (Notification to Applicant or Employee) is receiving a minor change to correct a typographical error.

Section 955.200 (Submission of Criminal History Records Check Results to Nurse Aide Registry) is being amended to clarify the status of nurse aides listed on the Nurse Aide Registry.

Section 955.205 (Submission of Criminal History Records Check Results to Health Care Worker Registry) is being added to list the minimum requirements for long-term care

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facilities and health care employers when submitting the results of criminal history records checks to the Health Care Worker Registry.

Section 955.230 (Invalid Non-fingerprint-Based Records Check) is being amended to clarify the steps employers must take when background checks show disqualifying convictions.

Section 955.260 (Application for Waiver) is being amended to add new statutory language and to delete language that is no longer applicable.

Section 955.270 (Department Review of Waiver Application) is being amended to update the process for obtaining a waiver and to update the list of disqualifying convictions for which no waiver will be granted.

Section 955.280 (Employment Pending Waiver) is being amended to add a requirement for a fingerprint-based records check if an individual challenges the results of a non-fingerprint-based check.

Section 955.300 (Grant Definition) is being added to list definitions of terms and outline the basic requirements of the CMMS Grant.

Section 955.305 (General Provisions) is being added to outline the procedures for conducting CMMS grant fingerprint criminal history records checks. It emphasizes employer responsibilities and employee rights.

Section 955.310 (Electronic Fingerprint Submission) is being added to implement the statutory requirement that health care employers inform applicants that their fingerprints will be electronically submitted to the Department of State Police.

Section 955.320 (Conditional Offer of Employment) is being added to detail the requirements for employers who make a conditional offer of employment to an applicant.

Section 955.330 (Actual Knowledge of Disqualifying Conviction) is being added to require employers who receive "actual knowledge" that an employee with direct access to residents, patients, or clients has committed a disqualifying offense to reassign that employee to a non-direct access position. The Section also requires employers to confirm the knowledge by checking the Nurse Aide Registry.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this affect.

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The Department anticipates adoption of any rulemaking approximately six to nine months after publication of the notice in the *Illinois Registry*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create a State Mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Registry* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: rules@idph.state.il.us
- 13) Initial Regulatory Flexibility Analysis:
 - A) Type of small businesses, small municipalities and not-for-profit corporations affected: Health care employers including hospitals, long-term care facilities, hospices, home health agencies, and home nursing agencies.
 - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking will require health care employers to keep up-to-date records of background checks.

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 955
HEALTH CARE WORKER BACKGROUND CHECK CODESUBPART A: GENERAL PROVISIONS

Section	
955.100	Applicability
955.110	Definitions
955.120	Referenced Materials
955.130	Exceptions
955.140	Policy Defining Direct Care
<u>955.145</u>	<u>Policy Defining Access Worker</u>
955.150	Employment Prohibition
955.160	Disqualifying Offenses
955.170	Non-Fingerprint-Based UCIA Criminal History Records Check
955.180	Criminal History Records Checks after January 1, 2004
<u>955.185</u>	<u>Criminal History Records Checks after January 1, 2006</u>
955.190	Notification to Applicant or Employee
955.200	Submission of Criminal History Records Check Results to Nurse Aide Registry
<u>955.205</u>	<u>Submission of Criminal History Records Check Results to Health Care Worker Registry</u>
955.210	Offer of Permanent Employment
955.220	Health Care Employer Files
955.230	Invalid Non-Fingerprint-Based Records Check
955.240	Fingerprint-Based UCIA Criminal History Records Check
955.250	Additional Conviction
955.260	Application for Waiver
955.270	Department Review of Waiver Application
955.280	Employment Pending Waiver
955.290	Recovery of Back Pay

SUBPART B: CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMMS) GRANT

<u>Section</u>	
<u>955.300</u>	<u>Grant Definitions</u>
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AUTHORITY: Implementing and authorized by the Health Care Worker Background Check Act [225 ILCS 46].

SOURCE: Adopted at 28 Ill. Reg. 14133, effective October 15, 2004; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 955.100 Applicability

This Part *applies to all individuals employed or retained by a health care employer as home health care aides, nurse aides, personal care assistants, private duty nurse aides, or day training personnel, or an individual working in any similar health-related occupation where he or she provides direct care (e.g., resident attendants, child care/habilitation aides/developmental disabilities aides, and psychiatric rehabilitation services aides) or has access to long-term care residents or the living quarters or financial, medical, or personal records of long-term care residents. This Part also applies to all employees of licensed or certified long-term care facilities who have or may have contact with residents or access to the living quarters or the financial, medical, or personal records of residents.* (Section 10 of the Act)

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

Section 955.110 Definitions

The following terms have the meaning ascribed to them whenever the term is used in this Part:

"Access worker – an individual hired, employed or retained in a long-term care facility with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents. (Section 10 of the Act) An access worker does not include an individual who is employed or under contract with a health care employer to provide infrequent or occasional services to a long-term care facility, such as delivering items to the facility; or equipment maintenance, grounds keeping, construction, or other similar services that do not require access to residents or access to residents' financial records, medical records or personal records.

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"Act" – the Health Care Worker Background Check Act [225 ILCS 46].

"Applicant" – *an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.* (Section 15 of the Act)

"Conditional offer of employment" – *a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25 of the Act and Section 955.160 of this Part.* (Section 15 of the Act)

"Department" – the Illinois Department of Public Health.

"Direct care" – *the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Nursing Agency Licensing Act.* (Section 15 of the Act)

"Director" – the Director of the Department of Public Health.

"Disqualifying offense" – an offense listed in Section 25 of the Act and Section 955.160 of this Part.

"Health care employer":

the owner or licensee of any of the following:

a community living facility, as defined in the Community Living Facilities Licensing Act;

a life care facility, as defined in the Life Care Facilities Act;

a long-term care facility, as defined in the Nursing Home Care Act;

a home health agency, home services agency, or home nursing, as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;

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a ~~comprehensive~~ hospice program or volunteer hospice program, as defined in the Hospice Program Licensing Act;

a hospital, as defined in the Hospital Licensing Act;

an establishment licensed under the Assisted Living and Shared Housing Act;

a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;

the University of Illinois Hospital, Chicago;

programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers; or

locations licensed under the Alternative Health Care Delivery Act. (Section 15 of the Act)

"Health Care Worker Registry" – a registry maintained by the Department of Public Health to include the Nurse Aide Registry and to include background check and training information for access workers pursuant to the Act.

"Initiate" – the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Act)

"Long-term care facility" – a facility licensed by the State as a long-term care facility, an assisted living establishment, or a shared housing establishment or registered as a board and care home. (Section 15 of the Act)

"Nurse Aide Registry" – the Nurse Aide Registry maintained by the Department of Public Health pursuant to Section 3-206.01 of the Nursing Home Care Act.

"UCIA criminal history records check" – a check of criminal history information conducted by the Department of State Police in accordance with the Uniform Conviction Information Act (UCIA) [20 ILCS 2635].

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

Section 955.120 Referenced Materials

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- a) The following State of Illinois statutes are referenced in this Part:
- 1a) Community Living Facilities Licensing Act [210 ILCS 35]
 - 2b) Life Care Facilities Act [210 ILCS 40]
 - 3e) Nursing Home Care Act [210 ILCS 45]
 - 4d) Home Health Agency Licensing Act [210 ILCS 55]
 - 5e) Hospice Program Licensing Act [210 ILCS 60]
 - 6f) Hospital Licensing Act [210 ILCS 85]
 - 7g) Assisted Living and Shared Housing Act [210 ILCS 9]
 - 8h) Emergency Medical Services Systems (EMS) Act [210 ILCS 50]
 - 9i) Alternative Health Care Delivery Act [210 ILCS 3]
 - 10j) Criminal Code of 1961 [720 ILCS 5]
 - 11k) Uniform Conviction Information Act [20 ILCS 2635]
 - 12l) Illinois Credit Card and Debit Card Act [720 ILCS 250]
 - 13m) Cannabis Control Act [720 ILCS 550]
 - 14n) Wrongs to Children Act [720 ILCS 150]
 - 15o) Illinois Controlled Substances Act [720 ILCS 570]
 - 16p) Nursing and Advanced Practice Nursing Act [225 ILCS 65]
 - 17) Medical Practice Act of 1987 [225 ILCS 60]
- b) The following federal statutes are referenced in this Part:

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Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (P.L. 108-173, Section 307)

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

Section 955.130 Exceptions

The Act and this Part shall not apply to:

- a) *An individual who is licensed by the Department of Financial and Professional Regulation or the Department of Public Health under another law of this State (e.g., registered nurses, licensed practical nurses, respiratory therapists, and emergency medical technicians), except when Section 70(c) of the Act applies;*
- b) *An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State, except when Section 70(c) of the Act applies; or*
- c) *A student in a licensed health care field, including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student, unless he or she is employed by a health care employer in a position with duties involving direct care for clients, patients, or residents, ~~clients, or patients~~. (Section 20 of the Act)*

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

Section 955.145 Policy Defining Access Worker

For the purposes of the Act and this Part, each long-term care facility shall establish a policy defining which employees are access workers. In making this determination, the long-term care employer shall consider the following:

- a) The employee's assigned job responsibilities as set forth in the employee's job description; and
- b) Whether the employee is required to or has the opportunity to have access to the living quarters or the financial, medical, or personal records of residents. (Section 10 of the Act)

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

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Section 955.150 Employment Prohibition

- a) A health care employer shall not knowingly hire, employ, or retain any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who ~~if that person~~ has been convicted of committing or attempting to commit one or more of the offenses listed in Section 25 of the Act and Section 955.160 of this Part, unless the applicant, employee, or employer obtains a waiver pursuant to this Part. (Section 25(a) of the Act)
- b) A health care employer shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in Section 955.160 of this Part as verified by court records, records from a State agency (e.g., Department of Corrections records), or an FBI criminal history record check. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)

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

Section 955.170 Non-Fingerprint-Based UCIA Criminal History Records Check

- a) A health care employer who makes a conditional offer of employment to an applicant who is not exempt under Section 955.130 of this Part, for a position with duties that involve direct care for clients, patients, or residents, shall check the Nurse Aide Registry for the date of the applicant's last UCIA criminal history record check. If it has been more than 12 months since the records check, the health care employer shall initiate or have initiated on his or her~~its~~ behalf a UCIA criminal history record check for that applicant. (Section 30(b) and (c) of the Act)
- b) Each long-term care facility operating in the State must initiate, or have initiated

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on its behalf, a criminal history record check for all employees hired on or after January 1, 2006 with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents. (Section 30(d-5) of the Act)

- cb) The health care employer shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization for a record check. (Section 15 of the Act)
- de) The health care employer may accept the results of an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (a) of this Section.
- ed) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. (Section 30(e) of the Act)
- fe) A health care employer may conditionally employ an applicant ~~to provide direct care~~ for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Act)
- gf) The health care employer shall inform the applicant or employee of his or her right of his or her right to obtain a copy of the criminal records report from the health care employer, challenge the accuracy and completeness of the report, and request a waiver in accordance with this Part. (Section 30(f) of the Act)
- hg) The health care employer shall send a copy of the results of the record check to the Nurse Aide Registry for an individual employed as a nurse aide. (Section 30(b) of the Act)
- ih) The health care employer shall develop policies concerning employment of individuals whose criminal history records checks indicate convictions for offenses that are not disqualifying.
- ij) The health care employer or the long-term care facility may choose to initiate the criminal history record check using a fingerprint-based check rather than a non-fingerprint-based check.

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

Section 955.185 Criminal History Records Checks after January 1, 2006

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- a) *A UCIA criminal history record check need not be redone for health care employees who have been continuously employed by a health care employer since January 1, 2004, but nothing in this Part prohibits a health care employer from initiating a criminal check for these employees. (Section 25(a-1) of the Act)*
- b) *A criminal history record check shall be initiated for any access worker employed after January 1, 2006, in accordance with Section 30 of the Act.*
- c) *A health care employer is not required to retain an individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility is required to retain an individual in a position with duties that involve or may involve contact with access to residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses listed in Section 955.160 of this Part and Section 25 of the Act. (Section 25 of the Act)*

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

Section 955.190 Notification to Applicant or Employee

The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made (Section 30(f) of the Act):

- a) *That the health care employer shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Act. (Section 30(f) of the Act)*
- b) *That the applicant or employee has a right to obtain a copy of the criminal records report from the health care employer, challenge the accuracy and completeness of the report, and request a waiver in accordance with this Part. (Section 30(f) of the Act)*
- c) *That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in Section 955.160 of this Part unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to Section 955.240955.220 of this Part. (Section 30(f) of the Act)*

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- d) *That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in Section 955.160 of this Part unless the applicant's record is cleared based on a fingerprint-based records check pursuant to Section 955.240 of this Part. (Section 30(f) of the Act)*
- e) *That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in Section 955.160 of this Part unless the employee's record is cleared based on a fingerprint-based records check pursuant to Section 955.240 of this Part. (Section 30(f) of the Act)*

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

Section 955.200 Submission of Criminal History Records Check Results to Nurse Aide Registry

The health care employer must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for ~~an individual employed as a nurse aide~~ those individuals who are on the Registry. (Section 30(b) of the Act) The facility shall include the individual's Social Security number on the criminal history record check results.

- a) For a criminal history records check that does not indicate a conviction, the Department will accept the original criminal history records check result or copy of the original criminal history records check result that is received from the Illinois State Police. The health care employer, or designee, may submit a rewritten summary of the criminal history records check result if:
- 1) All of the elements (name, race, sex, and date of birth) used for the non-fingerprint search are listed in the identical form as they were submitted to the Illinois State police.
 - 2) There is a statement that the criminal history records check is the result of a criminal history records check performed in accordance with the Uniform Conviction Information Act; and

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- 3) The health care employer's name and, if applicable, the designee conducting the inquiry, including the designee's address and phone number, are listed.
- b) For criminal history records checks that indicate a conviction, a copy of the original or the original criminal history records check result shall be provided to the Department.
- c) For purposes of authentication, printed documents shall not contain additional hand-written information. Documents that are entirely hand written shall be written by one person.
- d) Certified nurse aides will not appear on the State Nurse Aide Registry as an active certified nurse aide if they have not worked as a nurse aide in a 24-month consecutive period. Information will remain on the Nurse Aide Registry for a certified nurse aide who has the following:
 - 1) A finding entered on the Nurse Aide Registry concerning abuse, neglect, mistreatment of residents, or misappropriation of their property; or
 - 2) A disqualifying criminal conviction.

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

Section 955.205 Submission of Criminal History Records Check Results to Health Care Worker Registry

- a) Long-term care providers shall send a copy of the results of the criminal background check to the Health Care Worker Registry, which includes the State's registry for nurse aides, for individuals employed as access workers and who are required to have a background check pursuant to Section 30(d-5) of the Act. The criminal history records check results must be obtained from the Illinois State Police.
- b) On the criminal history records check results, the long-term care provider shall provide the access worker's:
 - 1) Full name;
 - 2) Sex;

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- 3) Race;
- 4) Date of birth; and
- 5) Social Security Number.

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

Section 955.230 Invalid Non-Fingerprint-Based Records Check

- a) *An individual shall not be employed from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department.*
 - 1) *If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with Section 35 of the Act and Section 955.240 of this Part. (Section 40(d) of the Act)*
 - 2) *If the results of a fingerprint-based background check indicate that the individual does not have a conviction for committing or attempting to commit any of the offenses listed in Section 955.160 of this Part, no waiver is required from the Department.*
- ba) *If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position, pending positive verification in accordance with subsection (b), if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid and if there is a good faith belief on the part of the employer that the individual did not commit a disqualifying offense, pending results of a fingerprint-based records check. (Section 40(d) of the Act) Such evidence may include, but not be limited to:*
 - 1) certified court records;
 - 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;

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- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report; or
 - 4) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- b) *If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with Section 955.240 of this Part. (Section 40(d) of the Act)*

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

Section 955.260 Application for Waiver

- a) An applicant, employee, or employer may request a waiver of the prohibition against employment by submitting a Waiver Application ~~an application~~ on a form ~~forms~~ provided by the Department: and the results of a fingerprint-based criminal records check that was completed within two months prior to the Department's receiving the waiver application. An explanation of the circumstances of each conviction and any evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, patients or clients may be attached to the Waiver Application. (Section 40(b) of the Act) ~~The application shall include the following:~~
- a) ~~A completed Waiver Application for Health Care Worker;~~
 - b) ~~An explanation of the circumstances of each conviction;~~
 - c) ~~If the use of alcohol or other drugs was involved in the offense, proof of completion of a rehabilitation program;~~
 - d) ~~A recent employment reference and at least one character reference;~~
 - e) ~~Copies of any significant accomplishments since the conviction;~~
 - f) ~~A work history;~~

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- ~~g) Information concerning convictions in other states;~~
- ~~h) Information concerning convictions by the federal government;~~
- ~~i) Information concerning certification as a nurse aide in other states;~~
- ~~j) One of the following:
 - ~~1) A completed fingerprint based UCIA records check card and the fee for a fingerprint based UCIA criminal records check, which the Department will forward to the Department of State Police; or~~
 - ~~2) Information concerning completion of electronic fingerprinting; or~~
 - ~~3) The results of a fingerprint based UCIA criminal records check completed within the previous three months. (Section 40 of the Act)~~~~
- b) If the results of a fingerprint-based background check indicate that the applicant or employee does not have a conviction for committing or attempting to commit any of the offenses listed in Section 955.160 of this Part, no waiver is required for the applicant or employee to be hired or retained for employment. If the applicant or employee has one or more convictions for committing or attempting to commit offenses listed in Section 955.160 of this Part, the results of the fingerprint-based background check shall be submitted with a Waiver Application.

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

Section 955.270 Department Review of Waiver Application

- a) The Department will consider an application for a waiver upon receipt of a complete application and the results of a fingerprint-based criminal history records check in accordance with Section 955.260 of this Part ~~and upon receipt of the results of a UCIA fingerprint based criminal history records check.~~
- b) ~~An~~A application for a waiver shall be denied unless the applicant has met all obligations to the court and has been released from parole (i.e., probation has been successfully completed) ~~meets the following requirements~~ and submits documentation of the release thereof with the waiver application. ~~;~~

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- 1) ~~Except in the instance of payment of court imposed fines or restitutions in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and~~
 - 2) ~~The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.~~
- c) Unless prohibited by subsections (d) through (g), the ~~The~~ Department may grant a waiver based on mitigating circumstances, which may include:
- 1) *The age of the individual when the crime was committed;*
 - 2) *The circumstances surrounding the crime;*
 - 3) *The length of time since the applicant or employee has met all obligations to the court and has been released from parole (i.e., probation has been successfully completed); and~~the conviction;~~*
 - 4) *The applicant's or employee's criminal history since the conviction;*
 - 5) *The applicant's or employee's work history;*
 - 6) *The applicant's or employee's current employment references;*
 - 7) *The applicant's or employee's character references;*
 - 8) *Nurse Aide Registry records; and*
 - 49) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, which may include, but is not limited to, the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Act)*

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- d) Waivers will not be granted to individuals who have not met the following time frames. ~~"Disqualifying" refers to offenses listed in Section 955.220 of this Part.~~
- 1) Single disqualifying misdemeanor conviction – no earlier than five years after the applicant or employee has met all obligations to the court and has been released from mandatory supervised release (i.e., probation has been successfully completed)~~one year after the conviction date;~~
 - 2) Two to three disqualifying misdemeanor convictions – no earlier than seven years after the applicant or employee has met all obligations to the court and has been released from mandatory supervised release (i.e., probation has been successfully completed)~~three years after the most recent conviction date;~~
 - 3) More than three disqualifying misdemeanor convictions – no earlier than ten years after the applicant or employee has met all obligations to the court and has been released from mandatory supervised release (i.e., probation has been successfully completed)~~five years after the most recent conviction date;~~
 - 4) Single disqualifying felony convictions – no earlier than seven years after the applicant or employee has met all obligations to the court and has been released from mandatory supervised release (i.e., probation has been successfully completed)~~three years after the conviction date;~~
 - 5) Two to three disqualifying felony convictions – no earlier than 10 years after the applicant or employee has met all obligations to the court and has been released from mandatory supervised release (i.e., probation has been successfully completed)~~five years after the most recent conviction date;~~
 - 6) More than three disqualifying felony convictions – no earlier than 15 years after the applicant or employee has met all obligations to the court and has been released from mandatory supervised release (i.e., probation has been successfully completed)~~ten years after the most recent conviction date.~~
- e) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:
- 1) Solicitation of murder, solicitation of murder for hire [720 ILCS 5/8-1.1 and 8-1.2];

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- 2) Murder, drug induced homicide, involuntary manslaughter and reckless homicide, intentional homicide of an unborn child, voluntary manslaughter of an unborn child, involuntary manslaughter and reckless homicide of an unborn child, or concealment of a homicidal death [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3];
- 3) ~~Kidnapping, Kidnaping~~ or aggravated ~~kidnapping, or forcible detention~~~~kidnaping~~ [720 ILCS 5/10-1, ~~and 10-2, and 10-4~~];
- 4) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1];
- 5) ~~Battery of an unborn child, aggravated~~~~Aggravated~~ domestic battery, aggravated battery, heinous battery, aggravated battery with a firearm, aggravated battery with a machine gun, aggravated battery of a child, aggravated battery of an unborn child, ~~tampering with foods, drugs or cosmetics,~~ aggravated battery of a senior citizen, ~~or~~ drug induced infliction of great bodily harm, ~~aggravated stalking, or home invasion~~ [720 ILCS 5/~~12-3.1,~~ 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, ~~12-4.5,~~ 12-4.6, ~~and 12-4.7,~~ ~~12-7.4 and 12-11~~];
- 6) Criminal sexual assault or aggravated criminal sexual assault [720 ILCS 5/12-13, 12-14, and 12-14.1];
- 7) Criminal sexual abuse, aggravated criminal sexual abuse or predatory criminal sexual assault of a child [720 ILCS 5/12-15 and 12-16];
- 8) Abuse and gross neglect of a long-term care facility resident [720 ILCS 5/12-19];
- 9) Criminal abuse or neglect of an elderly or disabled person, ~~ritual mutilation, or ritualized abuse of a child~~ [720 ILCS 5/12-21, ~~12-32, and 12-33~~];
- 10) Financial exploitation of an elderly person or a person with a disability, ~~financial identity theft, or aggravated financial identity theft~~ [720 ILCS 5/16-1.3, ~~16G-15, 16G-20~~];

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- 11) Forgery [720 ILCS 5/17-3];
- 12) Robbery, armed robbery, vehicular hijacking, aggravated vehicular hijacking, and aggravated robbery [720 ILCS 5/18-1, 18-2, 18-3, 18-4, and 18-5];
- 13) Burglary or residential burglary [720 ILCS 5/19-1 and 19-3];~~Aggravated vehicular hijacking [720 ILCS 5/18-4]; and~~
- 14) Arson, aggravated arson, or residential arson [720 ILCS 5/20-1, 20-1.1 and 20-1.2];~~Aggravated robbery [720 ILCS 5/18-5].~~
- 15) Unlawful use or possession of a weapon by felons or persons in the custody of the Department of Corrections [720 ILCS 5/24-1.1];
- 16) Aggravated discharge of a firearm, aggravated discharge of a machine gun or firearm equipped with silencer, or unlawful discharge of firearm projectiles [720 ILCS 5/24-1.2, 24-1.2-5, and 24-3.2];
- 17) Armed violence [720 ILCS 5/33A-2];
- 18) Permitting sexual abuse of a child [720 ILCS 150/5.1];
- 19) Trafficking of cannabis, delivery to person under 18, calculated criminal cannabis conspiracy [720 ILCS 550/5.1, 7, and 9];
- 20) Manufacture of controlled/counterfeit substance or controlled substance analog, or controlled substance trafficking [720 ILCS 570/401 and 401.1];
- 21) Manufacture, distribution, advertising, or possession with intent to manufacture or distribute a look-alike substance [720 ILCS 570/404];
- 22) Calculated criminal drug conspiracy, or element of the offense [720 ILCS 570/405 and 405.1]; and
- 23) Delivery to a person under 18/violations at school, public housing, or public park, or employing person under 18 to deliver substance [720 ILCS 570/407 and 407.1].

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- f) ~~The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (b), (d), or (e) of this Section, based on mitigating circumstances (see subsection (c) of this Section). (Section 40b of the Act)~~
- f) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses if the conviction was a felony:
- 1) Theft [720 ILCS 5/16-1];
 - 2) Aggravated assault, domestic battery, endangering the life or health of a child, or Wrongs to Children Act [720 ILCS 5/12-2, 12-3.2, and 12-21.6 and 720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354); and
 - 3) Retail theft [720 ILCS 5/16A-3].
- g) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses if the conviction was a Class X, Class 1, or Class 2 felony:
- 1) Aggravated unlawful use of a weapon, unlawful sale or delivery of firearms on the premises of any school, or unlawful use of a weapon [720 ILCS 5/24-1.6, 24-3.3, and 24-1]; and
 - 2) Manufacture, delivery, or possession with intent to deliver/manufacture, or delivery of cannabis on school grounds [720 ILCS 550/5 and 5.2].
- h) After giving due consideration to the mitigating circumstances listed in subsection (c) and if the time frames listed in subsection (d) have been met, a waiver may be granted to an individual who has been convicted of committing or attempting to commit one or more of the following offenses if the conviction was a Class 3 or Class 4 felony or a misdemeanor:
- 1) Aggravated unlawful use of a weapon, unlawful sale or delivery of firearms on the premises of any school, or unlawful use of a weapon [720 ILCS 5/24-1.6, 24-3.3, and 24-1]; and
 - 2) Manufacture, delivery, or possession with intent to deliver/manufacture, or delivery of cannabis on school grounds [720 ILCS 550/5 and 5.2].

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- i) After giving due consideration to the mitigating circumstances listed in subsection (c), and if the time frames listed in subsection (d) have been met, a waiver may be granted to an individual who has been convicted of committing or attempting to commit one or more of the following offenses if the conviction was a misdemeanor:
- 1) Aggravated assault, domestic battery (if not preceded by a violation of an order of protection), endangering the life or health of a child, or Wrongs to Children Act [720 ILCS 5/12-2, 12-3.2, and 12-21.6 and 720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354);
 - 2) Theft, retail theft [720 ILCS 5/16-1, 16A-3].
- j) A waiver may be granted to an individual who has been convicted of committing or attempting to commit one or more of the following offenses if the time frames listed in subsection (d) have been met:
- 1) Unlawful restraint, aggravated unlawful restraint, child abduction, or aiding and abetting child abduction [720 ILCS 5/10-3, 10-3.1, 10-5, and 10-7];
 - 2) Assault, battery [720 ILCS 5/12-1, 12-3];
 - 3) Theft of mislaid property [720 ILCS 5/16-2];
 - 4) Criminal trespass to a residence [720 ILCS 5/19-4];
 - 5) Reckless discharge of a firearm [720 ILCS 5/24-1.5];
 - 6) Practice of nursing without a license [720 ILCS 65/10-5];
 - 7) Violations under the Criminal Jurisprudence Act (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368);
 - 8) Receiving a stolen credit card or debit card [720 ILCS 250/4];
 - 9) Receiving a lost or mislaid credit or debit card with intent to use, sell, or transfer [720 ILCS 250/5];

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- 10) Sale or purchase of a credit card without user's consent [720 ILCS 250/6];
- 11) Use of a credit or debit card with the intent to defraud [720 ILCS 250/8];
and
- 12) Fraudulent use of electronic transmission [720 ILCS 250/17.02].

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

Section 955.280 Employment Pending Waiver

An individual shall not be employed ~~in a direct care position~~ from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. (Section 40(d) of the Act)

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

SUBPART B: CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMMS) GRANT**Section 955.300 Grant Definitions**

The following terms have the meaning ascribed to them whenever the term is used in this Subpart B:

"Centers for Medicare and Medicaid Services (CMMS) grant" – the grant awarded to and distributed by the Department of Public Health to enhance the conduct of criminal history records checks of certain health care employees. The CMMS grant is authorized by Section 307 of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which establishes the framework for a program to evaluate national and state background checks on prospective employees with direct access to patients of long-term care facilities or providers. (Section 70(a) of the Act)

"CMMS grant fingerprint criminal history records check" – a search of criminal history record information contained in databases of both the Department of State Police and the Federal Bureau of Investigation.

"Direct access" – face-to-face physical proximity to a resident/client/patient that affords the opportunity to abuse or neglect a resident, client, or patient, or misappropriate a resident's, client's or patient's property.

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"Fitness determination" – a decision made by either the agency that regulates or licenses the selected health care employer or the selected health care employer that allows the employer to either offer a position of employment or deny a position of employment, based on the information obtained through the CMMS grant criminal history records check.

"Individuals who have direct access" – includes, but is not limited to, direct care workers as described in subsection (a) of Section 25 of the Act; individuals licensed by the Department of Financial and Professional Regulation, such as nurses, social workers, physical therapists, occupational therapists, and pharmacists; individuals who provide services on site, through contract; and non-direct care workers, such as those who work in environmental services, food service, and administration. (Section 70(c) of the Act) Individuals who have direct access does not include:

Physicians or volunteers. (Section 70(c) of the Act)

A person who is employed or under contract with a selected health care provider to provide infrequent or occasional services, such as delivering items to the provider, equipment maintenance, grounds keeping, construction, or other similar services that are not directly related to the care of a resident, client or patient.

A person providing services to residents, clients or patients of a long-term care facility who has a contractual arrangement with the Department of Human Services.

"National criminal history records check" – a fingerprint-based check of criminal information from the Federal Bureau of Investigation through its Integrated Automated Fingerprint Identification System (IAFIS).

"Physician" – a person licensed to practice medicine in all its branches, as provided in the Illinois Medical Practice Act of 1987 [225 ILCS 60].

"Selected health care employer" – any of the following health care providers that will be phased in to participate in the 10-county scope of the CMMS grant during the calendar year 2006:

Skilled Nursing Facilities (SNF)/Nursing Facilities (NF)

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Intermediate Care Facilities for the Developmentally Disabled (ICF/DD)

Home Health, Home Services, and Home Nursing Agencies

Long-term care hospitals/hospitals with swing beds

"State criminal history records check" – a fingerprint-based check of criminal history information conducted by the Department of State Police.

"Supervision" – periodic direct observation of an individual.

"Volunteer" – an individual who performs services at the facility without monetary compensation.

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

Section 955.305 General Provisions

- a) A selected health care employer shall notify a prospective employee who is seeking employment as an individual who has direct access to residents, clients and/or patients that the selected health care employer is required to perform a CMMS grant fingerprint criminal history records checks for the prospective employee.
- 1) An applicant has the right to challenge the accuracy and completeness of a CMMS grant fingerprint criminal history records check.
 - 2) An applicant hired conditionally shall not be retained if the CMMS grant fingerprint criminal history records check indicates that the applicant has a conviction for any of the criminal offenses enumerated in Section 955.160 of this Part.
- b) A CMMS grant fingerprint criminal history records check shall not be conducted for individuals who have direct access to residents, clients and/or patients that have been continuously employed by a long-term care facility prior to the health care employer's being included in the scope of the CMMS grant; however, nothing in this Section prohibits a health care employer from initiating a criminal history records check for these employees outside the scope of the CMMS grant.

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- c) A selected health care employer shall establish and document a policy defining which individuals, if any, do not have direct access.
- d) With regard to individuals hired after the health care employer has been included in the scope of the CMMS grant who have direct access to residents, patients, or clients of the selected health care employer, selected health care employers must comply with Section 25 of the Act. (Section 70(c) of the Act)
- e) A selected health care employer shall be permitted to terminate the fitness determination process on any prospective direct access employee at any stage prior to the CMMS grant fingerprint criminal history records check if the health care employer determines, from checking the available registries, that the prospective direct access employee:
- 1) Has a finding entered on the Nurse Aide Registry concerning abuse, neglect, mistreatment of residents, or misappropriation of their property;
 - 2) Has disqualifying offenses as set forth in Section 25 of the Act;
 - 3) Does not have a valid license for the position;
 - 4) Is a registered or convicted sex offender; or
 - 5) Is on the fraud exclusions list for individuals and entities provided by the U.S. Department of Health and Human Services, Office of Inspector General, for fraud against CMMS.
- f) A selected health care employer may conditionally employ an individual with direct access for up to three months pending the receipt of the results of the CMMS grant fingerprint-based criminal history records check. The selected health care employer shall provide supervision of the individual during the three-month period.
- g) Each selected health care employer shall provide an electronic mailing address to which the Department will transmit fitness determination notifications.
- h) A selected health care employer using the services of a temporary employment agency employee shall be required to request proof that the employee providing services has undergone a CMMS grant fingerprint criminal history records check. The request shall be made of the Agency prior to that employee's providing

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services. The Agency shall provide written proof to the employer that the employee had a CMMS grant fingerprint criminal history records check and that the employee does not have disqualifying convictions.

- i) The selected health care employer shall retain on file, for the duration of the individual's employment, records of the CMMS grant fingerprint criminal history records request, Department notification of applicant eligibility for hire, applicant disclosure and authorization forms, and waiver, if applicable, for all employees. The health care employer shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 will be imposed for failure to maintain these records.
- j) An applicant whose CMMS grant fingerprint-based criminal history records check indicates a conviction for committing or attempting to commit one or more of the offenses listed in Section 955.160 of this Part may challenge the accuracy of the results by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police.

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

Section 955.310 Electronic Fingerprint Submissions

The selected health care employer shall assure that each applicant seeking employment in a position described in Section 955.300(b) of this Part shall, as a condition of employment, have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history records information by the Department of State Police and the Federal Bureau of Investigation criminal history records databases now and hereafter filed. (Section 70(d) of the Act)

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

Section 955.320 Conditional Offer of Employment

A selected health care employer who makes a conditional offer of employment to an applicant shall:

- a) Ensure that the applicant has complied with the fingerprinting requirements of Section 955.310 of this Part (Section 70(e) of the Act).

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- b) Complete documentation relating to any criminal history record, as revealed by the applicant (Section 70(e) of the Act), as follows:
- 1) Each applicant shall provide a written statement, on a prescribed Department form, disclosing any criminal offenses other than a minor traffic violation or offense committed as a juvenile, unless the juvenile was tried and convicted as an adult.
 - 2) Each applicant shall provide written authorization on a prescribed Department form for completion of a State and National fingerprint-based criminal history check.
- c) Complete documentation of the applicant's personal identifiers (Section 70(e) of the Act), as follows:
- 1) The individual's full name;
 - 2) Maiden name or other name known by;
 - 3) Information necessary to identify each individual:
 - A) Race;
 - B) Sex;
 - C) Height (when available);
 - D) Eye color (when available);
 - E) Date of birth; and
 - F) Social security number;
 - 4) Current address;
 - 5) Date of hire;
 - 6) Date of termination; and

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- 7) Date of Annual Performance Review or Annual Employment Verification Date.
- d) Provide supervision, if the applicant is hired and allowed to work prior to the results of the criminal history records check being obtained. (Section 70(e) of the Act)
- e) Check available registries:
- 1) Nurse Aide Registry;
 - 2) Illinois Department of Financial and Professional Regulation web site at www.idfpr.com/dpr/licenselookup/default.asp;
 - 3) Health and Human Services Office of Inspector General web site at www.oig.hhs.gov/fraud/exclusions.html;
 - 4) Illinois Sex Offenders Registration website at www.isp.state.il.us/sor;
 - 5) Illinois Department of Corrections sex registrant search page at www.idoc.state.il.us; and
 - 6) National Sex Offender Public Registry at www.nsopr.gov.

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

Section 955.330 Actual Knowledge of Disqualifying Conviction

- a) A selected health care employer having actual knowledge from a source that an individual with direct access to a resident, patient, or client has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act shall, within 10 working days after acquiring that knowledge, re-assign that individual to a non-direct access position. The employer shall then check the Nurse Aide Registry to verify the presence of disqualifying information. (Section 70(f) of the Act)
- b) If no disqualifying conviction is recorded on the Nurse Aide Registry, a national criminal history records check shall be completed to verify the disqualifying conviction. If no disqualifying conviction is found on the national criminal history record, no further action is needed.

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- c) If a disqualifying conviction is recorded on the Nurse Aide Registry, the employer may suspend that individual. He or she shall not be employed as a direct access employee unless a waiver is obtained pursuant to this Part.

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

OFFICE OF THE COMPTROLLER

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- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 330
- 3) Section Number: 330.90 Proposed Action: Amendment
- 4) Statutory Authority: Implementing the State Prompt Payment Act [30 ILCS 540]
- 5) A Complete Description of the Subjects and Issues Involved: This amendment allows pharmacies participating in the All Kids program to be reimbursed for interest amounting to less than \$5 upon request to the Department of Healthcare and Family Services.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Whitney Wagner Rosen
Chief Counsel
Office of the Comptroller
201 State Capitol
Springfield, Illinois 62706

271/782-6000

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Pharmacies doing business with the State of Illinois may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: The Department of Healthcare and Family Services may be required to alter procedures to implement this change.
 - C) Types of professional skills necessary for compliance: This change will not require additional staff.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in a Regulatory Agenda because it was not anticipated.

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

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TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLERPART 330
JOINT RULES OF THE COMPTROLLER AND
THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

SOURCE: Emergency rule adopted at 17 Ill. Reg. 11170, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11521, effective July 11, 1994; amended at 24 Ill. Reg. 19123, effective December 18, 2000; amended at 25 Ill. Reg. 11358, effective August 28, 2001; emergency amendment at 26 Ill. Reg. 10981, effective July 1, 2002; amended at 26 Ill. Reg. 14678, effective September 19, 2002; amended at 30 Ill. Reg. _____, effective _____.

(Editor's Note: This Part is a joint rule of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900.)

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- 1) Heading of the Part: Summer Bridges Program
- 2) Code Citation: 23 Ill. Adm. Code 232
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
232.10	New Section
232.20	New Section
232.30	New Section
232.40	New Section
232.50	New Section
232.60	New Section
232.70	New Section
232.APPENDIX A	New Section
232.APPENDIX B	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: Summer Bridges (recently referred to also as "Extended Learning Opportunities") is a long-standing program funded with State dollars to improve the achievement of students through Grade 6 who have been recommended for retention in grade, have not met the State standards in reading, or are otherwise considered to be in need of a remedial program to help them succeed. The program is conducted during the summer, and each participating district must offer a 90-hour instructional sequence based upon a uniform curriculum design. Staff development also makes up an important aspect of the program and is required for all professional and paraprofessional staff members who are employed in it.

There is no actual substantive legislation establishing this program, although it is mentioned in passing in two places in the School Code, one of which (Section 1D-1) directs a set percentage of each year's appropriation to the Chicago Public Schools as part of that district's general education block grant. The other provision (Section 10-20.9a) mentions a Summer Bridge program as one option that districts may use when they are required to provide a remedial summer program.

The provisions of Sections 232.20 and 232.30 indicate how districts will be determined eligible for funding and describe the application procedure they are required to follow. Once the total number of students to be served becomes evident, available funding is distributed on a per-pupil basis. Thus the program is not competitive in the usual sense, in that eligible proposals are not ranked in comparison to one another.

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However, because the agency's discretion comes into play in determining the requirements for participation, rules are needed to set forth these policies. We expect all these provisions to be familiar to the affected districts. In particular, the program specifications stated in Section 232.50 and the expenditure-related requirements of Section 232.60 reflect the way the program has been operating.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace emergency rules 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 Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

(217) 782-5270

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

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

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- 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 2006

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 232
SUMMER BRIDGES PROGRAM

Section

232.10	Purpose and Applicability
232.20	Eligible Applicants
232.30	Application Procedure
232.40	Allocation of Funds
232.50	Program Specifications
232.60	Local Match; Use of State Funds
232.70	Reporting Requirements
232.APPENDIX A	Curriculum and Instruction Frameworks
232.APPENDIX B	Required Materials for the Program

AUTHORITY: Implementing Section 10-20.9a of the School Code [105 ILCS 5/10-20.9a] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 232.10 Purpose and Applicability

This Part establishes the eligibility criteria, application procedure, programmatic requirements, and method for allocation of funding for the Summer Bridges program referred to in Section 10-20.9a of the School Code [105 ILCS 5/10-20.9a]. The provisions of this Part shall not apply to a school district that receives funding for Summer Bridges as part of its general education block grant pursuant to Section 1D-1 of the School Code [105 ILCS 5/1D-1].

Section 232.20 Eligible Applicants

- a) Eligible applicants shall be school districts that include one or more schools serving students in pre-kindergarten, kindergarten, or any of Grades 1 through 6 in which 50 percent or more of the students participating in the State assessment under Section 2-3.64 of the School Code [105 ILCS 5/2-3.64] have achieved scores indicating that they do not meet State standards in reading. Public university laboratory schools approved by the State Board of Education pursuant

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to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], area vocational centers, and charter schools shall be eligible under this Part on the same basis as school districts (see 105 ILCS 5/2-3.109a, 2-3.109b, and 27A-11.5, respectively. For purposes of this Part, the term "district" shall be understood to include all these eligible entities).

- b) The State Superintendent shall annually identify the eligible districts based upon State assessment scores attained by students in the previous school year. As a prerequisite to participation in the program, eligible districts shall be required to submit letters of intent in accordance with the timeframe established by the State Superintendent, in order to permit calculation of the approximate per-pupil allocation that will be available.

Section 232.30 Application Procedure

- a) Each eligible district that has submitted a letter of intent may submit an application, in a format specified by the State Superintendent of Education, including information such as the number of students to be served, the number of teachers to be assigned to the program, the schedule for the program, and the sites where the program will be operated.
- b) Each application shall include the budget for the program, including only expenditures conforming to the requirements of Section 232.60 of this Part. Each district's budget for the program shall reflect the matching share required under Section 232.60 of this Part.
- c) The application format for each year's program shall indicate the approximate amount of the per-pupil allocation and shall include such certifications and assurances as the State Superintendent may require.

Section 232.40 Allocation of Funds

Final determinations regarding the amounts to be provided shall be made based upon the total funds appropriated for this initiative and the number of students to be served by all the eligible districts that submit applications.

Section 232.50 Program Specifications

- a) Eligibility for services under this Part shall not be limited to students who attend the particular attendance centers whose performance led to the district's eligibility

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under Section 232.20 of this Part. Any student in an eligible district may be served, provided that he or she was enrolled in pre-kindergarten, kindergarten, or any of Grades 1 through 6 in the school year immediately preceding the summer when the program is offered and:

- 1) did not meet State standards in reading, as evidenced by the relevant score attained on the State assessment required pursuant to Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]; or
 - 2) was recommended for retention in grade; or
 - 3) was referred to the program by his or her teacher based on the results of a locally determined reading assessment or other factors such as poor grades or a high rate of absenteeism.
- b) Funding under this Part shall be used only to provide a remedial summer program consisting of no fewer than 90 hours of instruction to each student served and addressing the components of the literacy framework displayed in Appendix A to this Part. Each district operating the program shall be required to purchase or demonstrate the availability of the materials listed in Appendix B to this Part.
- c) The number of sites at which the program is offered within any district shall be limited to the number of sites whose performance led to the district's eligibility for funding under Section 232.20 of this Part. The program may, however, be conducted at sites other than those whose performance led to the district's eligibility.
- d) Except as otherwise specified in subsection (e) of this Section, no fewer than 12 and no more than 15 students shall be served in each class for Grades 1 through 6, and no fewer than seven and no more than 10 students shall be served in each class for pre-kindergarten and kindergarten. Each district shall report its enrollment count by grade level on the sixth day of attendance in the program and shall consolidate classes as needed to achieve class sizes within these ranges. The services of teachers in excess of the number required for the applicable class sizes shall not be paid for with funding provided under this Part.
- e) In order to respond to developments that may occur after the sixth day of attendance, a district may seek approval from the State Superintendent of Education to add no more than two students to any class in excess of the applicable maximum. The State Superintendent shall approve a district's request

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if the Superintendent determines that doing so is necessary for reasons of cost-effectiveness or to avoid a disruption in learning opportunities for students, provided that the teacher responsible for the class has consented to the addition of the students.

- f) Each teacher, paraprofessional, and administrator employed in the program shall be provided with, and shall be required to participate in, 30 hours of professional development.
 - 1) Three hours of professional development shall occur in the time period after the end of the school year and prior to the start of the program and shall be devoted to setting up the learning environment, administering an individual reading inventory, and orientation to the Summer Bridges Program.
 - 2) Twelve hours of professional development shall occur prior to or during the course of the program and shall be devoted to the learning environment, language development and word knowledge, fluency, comprehension, writing, and classroom-based assessment appropriate to the grade level to be served by the participating teachers.
 - 3) Fifteen hours of professional development shall be devoted to mathematics concepts and games, additional literacy strategies, problem-solving, exchange of strategies, activities, and methods among teachers, and analysis of the results of the individual reading inventory.
- g) No program funded under this Part shall begin sooner than five business days after the end of the school year.
- h) Each district funded under this Part shall assess students' growth in reading prior to and following their participation in the program. No fewer than 20 percent of the students from each of Grades 2 through 6 and no fewer than 20 percent of the total group of students from pre-kindergarten, kindergarten, and Grade 1 shall participate in an assessment prescribed by the State Superintendent as appropriate to their respective grade levels. The results of these assessments shall be compiled to form part of each district's summative report under Section 232.70 of this Part.
 - 1) Each student whose results are included in the report shall have achieved an attendance rate of at least 80 percent.

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- 2) The pre-test shall be separated from the post-test by no fewer than 18 days of attendance.

Section 232.60 Local Match; Use of State Funds

- a) Each district that receives funding pursuant to this Part shall be required to contribute a matching share equivalent to 20 percent of the amount awarded by the State Board of Education (ISBE). The district's share may consist of funds, in-kind contributions, or a combination of these, provided that all amounts are related to delivery of the program (e.g., transportation expenses, janitorial services, expenditures for utilities, salary and benefits for an administrator or coordinator, or food service).
- b) Each district shall allocate the State funds provided for the program within the range specified in this subsection (b) unless an exception is granted as discussed in subsection (c) of this Section.
 - 1) It is expected that between 45 and 55 percent of the funds provided by ISBE will be used for salaries and benefits related to the employment of instructional and support personnel for the program.
 - 2) It is expected that approximately 20 percent of the funds provided by ISBE will be needed for supplies and materials directly related to the curriculum delivered and not otherwise readily available within the district. Each district shall use no less than \$1,000 of its grant allocation per classroom for this purpose.
 - 3) It is expected that approximately 20 percent of the funds provided to each recipient will be used for professional development of the certified and paraprofessional staff who provide instruction and instructional support in the program. All professional development shall be delivered by providers approved for purposes of certificate renewal (see 23 Ill. Adm. Code 25, Subpart J).
 - 4) Up to ten percent of the funds provided to each recipient may be used to offset expenses for administration or program coordination, provided that no support under this program shall be provided for personnel expenditures relative to any staff member employed on an 11- or 12-month contract with the recipient district.

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- c) A district may expend more than 55 percent of the funds provided under this Part for personnel-related costs only if approved by the State Superintendent of Education based upon evidence of other resources that will be used to ensure the availability of the materials required under Appendix B of this Part and the provision of the professional development required under Section 232.50(f) of this Part.
- d) Limitations on Specific Expenditures
 - 1) Grant funds shall not be used to provide more than 130 hours' compensation for any teacher in the program.
 - 2) Grant funds shall not be used for costs associated with employing more than one support staff member (clerical or paraprofessional) for each four teachers in the program.
 - 3) A full-time program coordinator shall be supported only for programs enrolling at least 1,000 students.
 - 4) Grant funds may be used only to support classroom-based instruction and shall not be used for field trips or experiences.
 - 5) No food or food service expenditures shall be supported with funds provided under this Part.
 - 6) No equipment, software, or software licenses shall be purchased with funds provided under this Part.

Section 232.70 Reporting Requirements

- a) No later than August 31, each participating district shall submit to the State Superintendent of Education a program report, in a format specified by the State Superintendent, that includes assessment data and other information relative to students' growth as a result of the program and a summary of teachers' and parents' responses to survey questions regarding the program.
- b) No later than September 30, each participating district shall submit to the State Superintendent a final expenditure report reflecting its use of the total amount provided and the closeout of the program.

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Section 232.APPENDIX A Curriculum and Instruction Frameworks

Curriculum and instruction in the Summer Bridges Program shall be based upon the balanced literacy framework whose components are displayed in this Appendix A.

Word Knowledge	Sight Vocabulary Phonemic Awareness Letter and Sound Recognition Phonics Analysis Spelling Structural Analysis Word Meaning
Fluency	Reading Speed Oral Reading Accuracy Phrasing Expression
Comprehension	Oral Language Understanding Text Structure Listening Comprehension Types of Information to "Find" in Text Organization of Information Inquiry and Study Strategies
Writing	Purposes Products Processes Audiences
Literacy-rich Environment	Engaged Reading and Writing Activities Celebration of Reading and Writing Efforts Extensive Classroom Collection of Reading Materials (wide range of high-interest fiction and non-fiction books that motivate and support reading and writing on a variety of levels) Room Designed to Support Instruction (whole-group, small-group, and individual)
Assessment	Assessment to Inform Instruction Individual and/or Group Reading Inventories Writing Rubric Reading Logs

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	Analysis of Students' Work
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Section 232.APPENDIX B Required Materials for the Program

Each district operating the Summer Bridges Program shall select materials compatible with the curriculum and instruction frameworks displayed in Appendix A to this Part. At least the following types and quantities of resources shall be available for students in each class, as appropriate to the respective grade levels.

- 40 books designed to be read aloud by students
- 12 big books*, including both fiction and informational text (and rhyme for grades through 2)
- 6 small books* for each big book
- take-home books (including one set to be used in instruction)
- 50 assorted books representing a range of reading difficulty
- tapes and tape player with books for listening centers
- mathematics manipulatives and literature

Additional Requirements for Pre-kindergarten, Kindergarten, and Grades 1 and 2

- picture, letter, and word cards
- magnetic letters
- anthology of nursery rhymes
- display boards

*According to publishers' or vendors' designations of children's books as "big" or "small"

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- 1) Heading of the Part: Advanced Placement
- 2) Code Citation: 23 Ill. Adm. Code 270
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
270.10	New Section
270.20	New Section
270.30	New Section
270.40	New Section
270.50	New Section
270.60	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking responds to the College and Career Success for All Students Act (P.A. 94-534), whose purpose is to increase Illinois students' access to a "substantive and rigorous curriculum" that will prepare them for success in college and work. One major focus of the legislation is to ensure training for teachers of Advanced Placement courses as well as "Pre-AP" training for teachers in lower grades. Another area of emphasis is outreach to families and students regarding the importance of enrolling in Advanced Placement courses and other rigorous course offerings.

These proposed rules will establish as eligible entities those school districts that serve any of Grades 6 through 12 and have at least one school with a high concentration of low-income students, i.e., at least 40 percent of the student body. The grant program will not pay for the direct costs of teaching Advanced Placement courses or preparatory coursework for students, but instead will support capacity-building training for teachers so that more such courses can be offered. At the same time, outreach and support for students will be available with grant funds, with an emphasis on ensuring that low-income students' access to rigorous coursework and Advanced Placement examinations is increased.

The rules identify the eligible applicants, set out the application procedure, and provide the criteria by which applications will be judged.

- 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 any emergency rules 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 Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

217/782-5270

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

rules@isbe.net

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

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATIONCHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDYPART 270
ADVANCED PLACEMENT

Section

270.10	Purpose and Applicability
270.20	Eligible Applicants
270.30	Program Specifications
270.40	Application Procedure
270.50	Criteria for the Review of Initial Proposals
270.60	Allocation of Funds

AUTHORITY: Implementing the College and Career Success for All Students Act [105 ILCS 302] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 270.10 Purpose and Applicability

This Part establishes the application procedure and criteria for selection by the State Board of Education of the entities that will receive funding under the College and Career Success for All Students Act [105 ILCS 302] ("the Act").

Section 270.20 Eligible Applicants

Eligible applicants shall be school districts serving any of Grades 6 through 12 operating at least one school in which 40 percent or more of the students are classified as "low-income" (i.e., eligible to receive free or reduced-price meals under the School Breakfast and Lunch Program Act [105 ILCS 125]). Public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], area vocational centers, and charter schools shall be eligible to apply on the same basis as school districts (see 105 ILCS 5/2-3.109a, 2-3.109b, and 27A-11.5, respectively. For purposes of this Part, the term "district" shall be understood to include all these eligible entities). An applicant chosen for funding shall not subsequently lose eligibility due solely to a change in the low-income status of its schools.

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Section 270.30 Program Specifications

Grant funds provided under this Part shall be used only in connection with Advanced Placement (AP) courses identified as such by the College Board (at <http://apcentral.collegeboard.com/apc/public/courses/descriptions/index.htm>) or in connection with initiatives in any of Grades 6 through 11 that are designed specifically to prepare students in those grades to participate successfully in AP courses. Grant funds shall be expended only to serve students and staff in schools where at least 40 percent of the students are classified as "low-income".

- a) Allowable activities shall include, but need not be limited to, curriculum development, staff training, and the purchase of materials related to AP courses or, in Grades 6-11, initiatives and coursework designed to prepare students for enrollment and success in AP courses ("preparatory programs").
- b) At least 50 percent of the funding provided for each program under this Part shall be used to defray the cost of training for teachers, counselors, and principals that is sponsored by the College Board (see <http://apcentral.collegeboard.com/apc/Pageflows/InstitutesAndWorkshops/InstitutesAndWorkshopsController.jtp>). Costs for other professional development activities that correspond to the purposes stated in Section 15 of the Act [105 ILCS 302/15] shall be allowable beyond the 50 percent threshold. Training costs may include stipends for those participating and for substitute teachers.
- c) Some portion of the funding provided for each proposed program under this Part shall be devoted to strategies and activities specifically designed to increase the participation of low-income students in AP courses or to promote participation by low-income students in preparatory programs, such as:
 - 1) development and dissemination of promotional materials or other outreach to students and their families;
 - 2) counseling, enrichment, tutoring, or other assistance for students that will prepare them to succeed in these courses and on the culminating examinations; and
 - 3) administering the Pre-Scholastic Aptitude Test (PSAT) (see CollegeBoard.com (2006)) to students.

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- d) Grant funds shall not be used to pay for the services of teachers to teach Advanced Placement courses or preparatory courses.
- e) Grant funds shall not be used to supplant other efforts currently funded with local, State, or federal resources.

Section 270.40 Application Procedure

For purposes of this Part, the terms "proposal" and "application" shall have the same meaning.

- a) When State funding is available for new grants under this Part, the State Superintendent of Education shall issue a Request for Proposals (RFP) in order to solicit applications from eligible entities.
- b) The RFP shall describe the format that applicants will be required to follow and the information they will be required to submit, including, but not limited to, identification of the schools that will be served, the specific training planned and the schedule for those activities, and the strategies that will be used to increase the rate of participation by low-income students.
- c) The RFP shall indicate the amount or expected amount of the appropriation for the program, the expected average size of grant awards, the allowable expenditures, and the basis for awarding grants. The RFP shall identify any restrictions or areas of high priority that have been established for a particular program year. If matching funds or resources will be required of applicants, the RFP shall describe these requirements.
- d) The RFP shall include a budget summary and payment schedule, as well as a narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure.
- e) The RFP shall identify the information recipients will be required to collect and report regarding the activities conducted with grant funds and the results of those activities, as well as the timelines for reporting.
- f) The RFP shall include such certification and assurances as the State Superintendent may require.
- g) The RFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 45 days to respond.

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- h) Separate applications shall be required for renewal of funding. Each application for renewal shall include at least:
 - 1) a description of expenditures and activities during the year just concluded, demonstrating that the project has been implemented in conformance with the approved grant agreement and that the recipient continues to exhibit a need for grant funds for this purpose;
 - 2) time-specific goals and objectives for the project in the renewal year; and
 - 3) an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown.
- i) Incomplete proposals shall not be considered.

Section 270.50 Criteria for the Review of Initial Proposals

- a) Applications shall be evaluated in accordance with the following criteria:
 - 1) Quality and Scope of the Plan (45 points)
 - A) The proposal demonstrates that the training to be funded and the staff members to be involved will permit the district to offer AP courses or preparatory programs that are not currently available, or that greater numbers of students will have access to AP courses or preparatory programs, as applicable.
 - B) The proposal includes plans for support for and collaboration among staff members and administrators that will result in the sequential alignment of rigorous course offerings across grade levels, culminating in Advanced Placement studies.
 - C) The proposal demonstrates that the activities and materials to be supported with grant funds will enhance students' preparedness for AP courses and strengthen their ability to participate successfully.
 - 2) Student Recruitment and Support (25 points)

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- A) The proposal provides evidence that the intended outreach and recruitment strategies respond to the needs of low-income students in the communities to be served.
 - B) The proposal presents a combination of supportive elements that will strengthen low-income students' preparation for AP coursework, assist them in successful completion of the courses chosen, and enhance their likelihood of success on the culminating examinations.
- 3) Need (15 points)
- A) The proposal describes the status of the applicant's instructional programs and demonstrates that students' access to rigorous academic coursework is limited by the scarcity of appropriately trained instructional staff or other necessary resources and materials.
 - B) The proposal demonstrates that other sources of funding are limited to such an extent that the applicant is unable to conduct or expand the program as proposed without funding under this Part.
- 4) Cost-Effectiveness and Sustainability (15 points)
- A) The scope of the proposed activities is reasonable in light of the amount of funding to be provided, and the project will be cost-effective considering the number and types of courses to be supported and the number of students to be served.
 - B) The proposal gives evidence of the district's commitment to continuing efforts to foster greater participation in AP coursework by low-income students and to support them in achieving greater success and achievement in that coursework.

Section 270.60 Allocation of Funds

- a) Applications for funding shall be approved and final determinations regarding the amounts to be provided shall be made based upon the total funds appropriated for this initiative, the amounts necessary to fund the top-ranked proposals, and the

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need to promote students' participation in rigorous academic coursework on a statewide basis.

- b) It is the intention of the State Board of Education to approve grants under this Part for a three-year period. Funding for the second and third years shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals in accordance with Section 270.30(h) of this Part. A district that has received three years' funding under this Part may subsequently apply as a new applicant.

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1030.81	Amendment
1030.82	Amendment
1030.85	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- 5) A Complete Description of the Subjects and Issues Involved: Section 1030.81 defines endorsements; Section 1030.82 sets out requirements for charter bus driver endorsements; and Section 1030.85 sets out definitions and requirements for driver's license testing/road testing. These amendments are necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1030.11	Amendment	30 Ill. Reg. 11334; 06-30-2006
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

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Office of the Secretary of State
Driver Services Department
JoAnn Wilson, Legislative Liaison
c/o Director's Office
2701 South Dirksen Parkway
Springfield, IL 62723

217/785-1441

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

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

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

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
<u>1030.83</u>	<u>Hazardous Material Endorsement</u>
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit

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- 1030.95 Consular Licenses (Repealed)
- 1030.96 Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

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

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

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Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 11365, effective June 15, 2006; amended at 30 Ill. Reg. _____, effective _____.

Section 1030.81 Endorsements

- a) For purposes of this Section, the following definitions shall apply:

"Commercial Driver's License" or "(CDL)" – a ~~driver's~~ license issued by a state or

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other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that a person, which authorizes the individual that person to operatedrive a ~~ertain~~ class of a commercial motor vehicle ~~or vehicles (see 625 ILCS 5/6-500).~~

"Commercial Motor Vehicle" – a motor vehicle, used in commerce, having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Driver Applicant" – an individual who applies to a state to obtain, transfer, upgrade or renew a CDL.

"Endorsement" – an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Hazardous Material" – a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (See 49 USCA 1802.)

"Representative Vehicle" – a motor vehicle which represents the type that a driver applicant operates or expects to operate.

"School Bus" – a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school sponsored events. School bus does not include a bus used as a common carrier.

"Tanker-type Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle. However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily

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attached, has a rated capacity of less than 1,000 gallons.

- b) To obtain any of the following endorsements, a commercial driver's license holder must correctly answer 80% of the questions comprising a written knowledge test based on the Illinois Vehicle Code and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704):
- 1) (T) Double or triple trailers (20 questions).
 - 2) (P) Passenger carrying vehicles (16 or more passengers, including the driver) (20 questions). A skills test in a representative vehicle is required.
 - 3) (N) Tank vehicles (20 questions).
 - 4) (H) Any vehicle carrying hazardous materials which requires placarding (30 questions).
 - 5) (X) Combination tank vehicle and hazardous materials endorsement. A knowledge test for tank vehicles (N) and hazardous materials (H) must both be successfully completed prior to obtaining this endorsement (20 questions).
 - 6) (C) Charter bus driver endorsement. Successfully complete a knowledge test on transporting students Grade 12 or below to and from school related functions (20 questions).
 - 7) (S) School bus. Successful completion of a written test (20 questions) and a skills test in a representative vehicle is required. However, current CDL holders who meet the requirements set forth in 49 CFR 383.123 (2004) are exempt from the written and skills tests for this endorsement.

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

Section 1030.82 Charter Bus Driver Endorsement Requirements

- a) For purposes of this Part, the following definitions shall apply:

"Cancellation" – cancellation of a CDL holder with a charter bus driver endorsement – the annulment or termination by formal action of the Secretary of State of a person's charter bus driver endorsement because of some error or defect

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in the endorsement, because the endorsement holder is no longer entitled to such endorsement, refusal or neglect of the person to submit to an alcohol and drug evaluation or submit to or failure to successfully complete the examination, in accordance with Sections 1-110, 6-508 and 6-207 of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-508 and 6-207].

"Charter Bus Driver Endorsement" – ~~an~~An indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a class of a commercial motor vehicle.

~~"Conviction" – an unvacated final adjudication of guilt, a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated. guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default.~~

"Denial" – to prohibit or disallow the privilege to obtain a charter bus driver endorsement and/or the privilege to operate a charter bus in accordance with Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].

"Disqualification" – a withdrawal of the privilege to drive a commercial motor vehicle [625 ILCS 5/1-115.3].

"Driver Applicant" – an individual who applies to a state to obtain, transfer, upgrade or renew a CDL.

"Employer" – any individual, corporation, partnership or association who employs charter bus drivers licensed pursuant to Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].

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"Employer Certification" – a form as prescribed by the Secretary of State submitted by the employer that certifies that a driver an-applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Fingerprint Process" – a method by which a driver applicant's person's fingerprints are taken for the purpose of certification of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"Miscellaneous Suspension" – a safety and financial responsibility violation suspension, unsatisfied judgment, auto emissions violation suspension, penalty for parking violation, failure to appear, failure to pay toll (Type Action 07, Reason Code 03), and all suspensions that are rescinded and are no longer in effect.

"Repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic" – for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].

"Repeatedly involved as a driver in motor vehicle collisions" – for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(4) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4)].

"Rescind Order" – a removal by formal action of an order canceling, suspending or denying issuance of a charter (CDL) bus endorsement to a person.

"Review of Driving Habits" – a review of the driver applicant's driving record maintained by the Office of the Secretary of State or documentation from another licensing jurisdiction that has been certified within 30 days prior to the date of application, to insure that the requirements pursuant to Sections 6-104 and 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508].

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation relating to reckless driving; or a violation of any state law or local ordinance relating to motor vehicle

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~~traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-501 of the Illinois Vehicle Code, relating to having multiple driver's licenses; or a violation of subsection (a) of Section 6-507 of the Code relating to the requirement to have a valid CDL; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious, notwithstanding convictions that in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control shall be considered a serious traffic violation: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation of any state law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-104(d-5) of the Illinois Vehicle Code [625 ILCS 5/6-104(d-5)] relating to the possession of a valid charter bus driver endorsement, or a violation of the speed limit in a school zone as defined in Section 11-605 of the Illinois Vehicle Code [625 ILCS 5/11-605]; or a violation of passing a stopped school bus as defined in Section 11-1414 of the Illinois Vehicle Code [625 ILCS 5/11-1414]; or failure to stop at a railroad crossing as defined in Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202]; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation that the Secretary of State determines relevant pursuant to 92 Ill. Adm. Code 1040.20.~~

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension of Driver's License" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Suspension of a CDL with a charter bus driver endorsement" – the temporary withdrawal by formal action by the Secretary of a person's endorsement that

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grants and specifies limited privileges to operate a charter bus on the public highways, for a period specifically designated by the Secretary.

- b) Requirements of ~~Driver Applicants~~applicants for a Charter Bus Driver Endorsement~~charter bus driver endorsement~~
- In order for the Secretary of State to issue a charter bus driver endorsement, all driver applicants must:
- 1) Be 21 years of age or older;
 - 2) Possess a valid and properly classified driver's license issued by the Secretary of State;
 - 3) Submit to and successfully pass an Illinois specific criminal background check and Federal Bureau of Investigation criminal background check with current and future information through an approved vendor. (A consent form must be signed by the driver applicant/CDL holder that allows the Illinois Secretary of State to release the driver applicant's fingerprint information to his/her employer.);
 - 4) Pass a written test on charter bus operation, charter bus safety, and special traffic laws relating to charter buses and submit to a review of the driver applicant's driving habits by the Secretary of State at the time the written test is given;
 - 5) Demonstrate the ability to exercise reasonable care in the operation of the charter bus pursuant to the requirements of Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508];
 - 6) Be physically able to safely operate a charter bus. ~~A driver~~An applicant for a charter bus driver endorsement must demonstrate physical fitness to operate charter buses by undergoing a medical examination in accordance with the provisions of Section 5/6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508];
 - 7) Affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for an endorsement;

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- 8) Not have been convicted of committing or attempting to commit any one or more of the following offenses:
- A) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1 and 33A-2, and in Section 12-4(a) and (b)(1) of the Criminal Code of 1961 [720 ILCS 5];
 - B) those offenses defined in the Cannabis Control Act except those offenses defined in Sections 4(a) and (b) and 5(a) of the Cannabis Control Act [720 ILCS 550/4(a) and (b) and 5(a)];
 - C) those offenses defined in the Illinois Controlled Substances Act [720 ILCS 570];
 - D) any offense committed or attempted in any other state or against the laws of the United States that if committed or attempted in Illinois could be punishable as one or more of the foregoing offenses;
 - E) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [720 ILCS 150/4.1 and 5.1]; and
 - F) those offenses defined in Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16].
- c) Endorsement Application Process
- 1) ~~A driver applicant~~~~The CDL holder~~ desiring employment as a charter bus driver must obtain from the prospective employer and complete the following:
- A) Application/Certification for Illinois charter bus driver endorsement;

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- B) Fingerprint process.
- 2) The driver applicant shall then submit the Charter Bus Application/Certification for the charter bus driver endorsement and the appropriate fee to the Secretary of State's driver's license or driver services facility.
- 3) The Secretary of State shall review the driver applicant's driving history to determine if it is acceptable under the provisions of this Part and Sections 6-104 and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508]. The driver applicant:
- A) must pass a written examination administered by the Secretary of State's Office in accordance with Section 6-508(c-1)(2) of the Illinois Vehicle Code [625 ILCS 5/6-508(c-1)(2)].
- B) must successfully complete a road test, if applicable, administered by the Secretary of State's Office or a licensed third-party tester in the class of vehicle to be used in accordance with Section 6-508(a)(1) of the Illinois Vehicle Code [625 ILCS 5/6-508(a)(1)]. These tests must be successfully completed in 3 attempts.
- 4) On renewal/reapplication for a charter bus driver endorsement, the driver applicant~~CDL holder~~ shall be required to submit an Application/Certification form for the Illinois charter bus driver endorsement verifying the completion of all requirements. On renewal/reapplication for the charter bus driver endorsement, the driver applicant~~CDL holder~~ will not be subject to the fingerprint process.
- d) Denial, Cancellation, or Suspension of a CDL Holder with a Charter Bus Driver Endorsement
- 1) The Secretary of State shall deny or cancel a CDL holder's charter bus driver endorsement:
- A) If the criminal background investigation discloses that he/she is not in compliance with any of the provisions of Section 6-104 or 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 or 6-508];

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- B) Upon receiving notice that the endorsement holder fails to comply with any provision of this Part;
 - C) Upon receiving notice that the endorsement holder's restricted commercial driving permit or commercial driving privileges are withdrawn or otherwise invalidated.
- 2) The Secretary of State shall deny ~~a driver~~ applicant ~~or CDL holder~~ for a charter bus driver endorsement upon an indication on a driving record that he/she has failed to pay any fines, costs or fees that deny the renewal or reissuance of a driver's license or any other indication on a driving record that denies the renewal or reissuance of a driver's license.
- 3) A cancellation of a CDL with a charter bus driver endorsement shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118].
- 4) An order may be rescinded provided the cause is removed and the driver ~~applicant or CDL holder~~ continues to meet the requirements as outlined in Sections 6-104 and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508].
- e) Employer Responsibility
It shall be the responsibility of a prospective or current employer of ~~a driver~~ applicant or CDL holder of a charter bus driver endorsement to:
- 1) Request an employer seven digit assigned number by faxing to the Secretary of State's Office a request on company letterhead indicating a contact person and telephone/fax number.
 - 2) Distribute charter bus driver endorsement applications.
 - 3) Insure that ~~driver~~ applicants submit to a fingerprint based criminal background investigation.
 - 4) Certify in writing to the Secretary of State that ~~a driver~~ applicant has successfully completed all employment conditions.
 - 5) Notify, in writing, the Secretary of State that the employer has certified the removal from service of the CDL ~~holder~~ ~~driver~~ with the charter bus driver

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endorsement whose endorsement has been withdrawn by the Secretary of State, prior to the start of that CDL ~~holder's~~~~driver's~~ next work shift.

- 6) Notify, in writing, the Secretary of State that the ~~CDL holder with the charter bus driver endorsement~~~~employee~~ is no longer employed as a charter bus driver by the reporting employer.
 - 7) Notify, in writing, the Secretary of State that, while holding a previously issued valid charter bus driver endorsement, the ~~CDL holder~~~~individual~~ has now been accepted as a charter bus driver for the reporting employer.
 - 8) Immediately upon receipt of a positive drug test, notify, in writing, the Secretary of State of such result. This information shall be privileged and maintained for the use of the Office of the Secretary of State.
 - 9) Maintain records of certifications that must be available for inspection by the Secretary of State.
- f) Notice The Secretary of State shall notify in writing the ~~driver applicant or the~~ CDL holder and his/her current employer that he/she:
- 1) is ineligible under this Part based on information provided by an ISP or FBI criminal background investigation; or
 - 2) is no longer eligible for a charter bus driver endorsement; or
 - 3) of any related cancellations, suspensions, or denials of the applicant's charter bus driver endorsement.
- g) Hearings
- 1) The Secretary of State shall conduct a hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] upon the request of ~~a driver~~~~an~~ applicant or ~~CDL~~ holder whose charter bus driver endorsement has been denied, canceled or suspended.
 - 2) The petition requesting a hearing shall be in writing and shall contain the reason the ~~driver applicant or CDL holder believes~~~~individual feels~~ he/she is entitled to a charter bus driver endorsement.

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- 3) The scope of the hearing shall be limited to the issuance criteria contained in Sections 6-104 and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508].

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

Section 1030.85 Driver's License Testing/Road Test

- a) For the purposes of this Section, terms shall be defined as follows:

"Commercial Driver's License" or "(CDL)" – a ~~driver's~~ license issued by a ~~state~~ State or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that a person, which authorizes the individual that person to operatedrive a ~~certain~~ class of a commercial motor vehicle. ~~or vehicles. (Ill. Rev. Stat. 1987, ch. 95½, par. 6-500(3).)~~

"Dangerous Action" – an act by the applicant which could endanger a person or property.

"Driver Services Facility Manager" – employee designated by the Secretary to oversee the operations of the driver services facility personnel (Public Service Representatives and Public Service Clerks).

"Driving Skills" – ability of applicant to perform maneuvers that~~which~~ will be demonstrated during drive test.

"Examiner" – employee of the Secretary of State who is authorized to administer the road test.

"First Division Vehicles" – those motor vehicles which are designed to carry not more than ten persons as defined in Section 1-217 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 1-217.)~~

"Foreign Speaking Applicant" – any applicant unable to understand the oral directions given by the examiner using the English language.

"Religious Organization Vehicle Restriction" – authority to operate a religious organization bus as described in Section 6-106.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-106.2.)~~

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"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-109.)~~

"School Bus Driver Permit" – permit issued to school bus drivers by the ~~Secretary of State~~ Illinois State Board of Education pursuant to 625 ILCS 5/6-106.123 ~~Ill. Adm. Code 275.~~

"Second Division Vehicles" – vehicles ~~which are~~ designed to carry more than ten persons, those designed or used for living quarters and those vehicles ~~which are~~ designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses as defined in Section 1-217 of the Illinois Vehicle Code ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 1-217).~~

"Secretary of State" – ~~the~~ The Secretary of State of Illinois.

"Violation" – any traffic related act for which a motor vehicle driver may be arrested and ticketed.

- b) Classification of licenses is established in Sections 1030.20 and 1030.30 of this Part.
- c) Persons applying for a class C, or class D (CDL or Non-CDL) driver's license, a religious organization restriction, for-profit ridesharing arrangement restriction, or senior citizen transportation restriction in a first division vehicle, who must complete a road test, shall be evaluated on the following driving skills: start, posture, use of ~~mirrors~~ mirror(s), steering, lane observance, left and right turns (signal, speed, lane, turn), attention (distraction level), following (too closely), speed (too fast/too slow), parking (up and/or down hill), starting (up and/or down hill), final park, signal (pulling into and away from curb, changing lanes), stop signs, other signs (yield, school, railroad, regulatory, warning, special), traffic lights, backing, turn about, use of clutch or automatic transmission.
- d) In addition to those maneuvers listed in subsection (c) of this Section, persons applying for a class A or B driver's license (CDL or Non-CDL), shall also be evaluated on the following: use of gears, railroad crossing, dock parking, trailer parking, straight line backing, stop at marked line, and predetermined right turn.

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- e) In addition to those maneuvers listed in subsection (c) of this Section, persons applying for a school bus driver permit, must complete a road test in a representative vehicle, which shall consist of the following: use of gears, railroad crossing (stop and observation), curb bus (simulate loading/unloading passengers), use of stop arm, use of flasher lights.
- f) Applicants for a class L or class M driver's license, who are required to complete a road test, shall be evaluated by using of the following drive tests: ALMOST – (Alternate Motorcycle Operator Skill Test); MiniMOST (Space-Modified ALMOST); 5 dot test; – Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test.
- 1) Test exercises for the ALMOST (Alternate Motorcycle Operator Skill Test), MiniMOST and Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test for both class L and class M, shall consist of the following: stalling, shifting, (improper shift, failure to shift), sharp turn (path, foot down), normal stop (skid, position), cone weave (skips, hits, foot down), U-Turn (path, foot down), quick stop (distance), obstacle turn (path), slow drive (time, path, foot down).
 - 2) Test exercises for the 5 dot test for both class L and class M, shall consist of the following: knowledge of controls, figure U Walk (walk vehicle without engine running), start from rest, slow drive, gear shifting skill, figure 8 ride, serpentine ride (balanced cone weave), posture, mounting/dismounting.
- g) Test exercises and skills are evaluated on a point system. When the applicant commits an error, he/she is assessed a point or points based upon the severity of the error. Applicants for a CDL or Non-CDL A, B, C, or D classified license or a religious organization vehicle restriction, for-profit ridesharing arrangement restriction or senior citizen transportation restriction are allowed 36 points. Applicants for a second division school bus permit are allowed 40 points. Applicants for a first division school bus permit are allowed 36 points. Applicants for a class L or M license taking the ALMOST, MiniMOST, or Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test evaluation, shall be allowed 15 points. Applicants for an L or M license taking the 5 dot test shall be allowed 10 points.
- h) The following acts will result in immediate disqualification: violation where an applicant receives a ticket; dangerous action; lack of cooperation or refusal to

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perform; or letting the cycle fall or falling off a cycle.

- i) A road test will be considered incomplete for the following reasons: the applicant becomes ill or disabled and is unable to continue the road test; the vehicle develops mechanical problems after the road test has begun; weather conditions make the continuation of the road test hazardous, an accident occurs for which the applicant does not receive a ticket.
- j) No persons are allowed to accompany the applicant and examiner on the road test. When necessary, exceptions may be made for foreign speaking applicants who may require a translator and for the training and evaluation of facility personnel.
- k) Any applicant who is suspected by a driver services facility employee of having consumed alcohol and/or drugs must seek the approval of a driver services facility manager prior to being administered the road test. If a driver services facility manager has a reasonable cause to believe that an applicant has consumed alcohol and/or drugs, the applicant shall not be administered the road test. Evidence of alcohol and/or drug consumption shall include but not be limited to one or more of the following conditions:
 - 1) the applicant admits he/she has consumed alcohol and/or drugs;
 - 2) the applicant has a strong odor of alcohol on his/her breath;
 - 3) the applicant's eyes are red and the pupils are dilated;
 - 4) the applicant's speech is slurred; or
 - 5) the applicant is unsteady when walking.

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

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- 15) Summary and Purpose of Amendments: Amendments are necessary so the financial reporting requirements relating to homemaker service providers under the Community Care Program will reflect a new split between administrative and employee wages and benefits in conformity with statutory changes resulting from the recent enactment of Public Act 94-48.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

George M. Sisk
General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, Illinois 62701-1789

217/785-3346

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

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- 240.1950 Adult Day Care Fixed Unit Reimbursement Rates
240.1960 Case Management Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section

- 240.2020 Financial Reporting of Homemaker Service
240.2030 Unallowable Costs for Homemaker Service
240.2040 Minimum Direct Service Worker Costs for Homemaker Service
240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23,

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1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006.

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Section 240.2020 Financial Reporting of Homemaker Service

- a) Provider agencies will be required to submit a cost report, the Direct Service Worker Cost Certification, as specified below. The report must be based upon actual, documented expenditures.
 - 1) The report must be submitted annually, within 6 months of the end of the reporting period, and may be prepared as a part of the provider's annual audit.
 - 2) The report may be on either a calendar year basis or the provider's fiscal year (once a provider has elected to base the reports on a calendar or fiscal year, this election can be changed only upon written approval of the Department).

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- b) The cost report must demonstrate that the provider has expended a minimum of ~~77%~~^{73%} of the total revenues due from the Department, to include the client incurred expense, for Direct Service worker costs as enumerated in Section 240.2050.
- c) The cost report shall identify the provider's expenditures for Direct Service worker costs of Program Support costs, and Administrative costs as enumerated in Section 240.2050.
- d) The accuracy of the report must be attested to by an authorized representative of the provider.
- e) The Department reserves the right to require the provider to engage an independent certified public accounting firm to verify the information and data submitted by the provider if the Department is in possession of evidence to suggest the information and data submitted is inaccurate, incomplete or fraudulent. This audit will be performed at the provider's expense.

(Source: Amended at 30 Ill. Reg. 16281, effective September 29, 2006)

Section 240.2040 Minimum Direct Service Worker Costs for Homemaker Service

- a) Providers are required to expend a minimum of ~~77%~~^{73%} of the total revenues due from the Department, to include the client incurred expense for Direct Service Worker Costs, as enumerated in Section 240.2050 during a reporting year.
 - 1) This percentage is to be adhered to on a statewide basis.
 - 2) The remaining ~~23%~~^{27%} of the total revenues may be spent by the provider agencies at their discretion on Administrative or Program Support costs, also delineated in Section 240.2050.
- b) Failure of the provider to meet the requirements in subsection (a) ~~above~~ may result in the following:
 - 1) The provider will be required to submit and observe a Department-approved corrective action plan which shall include provider payments to current direct service workers in an amount which will, in total, bring the provider into compliance with the requirements of subsection (a) ~~above~~.

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- 2) Failure by the provider to submit and/or observe a corrective action plan may result in the following Department sanctions:
 - A) closure of intake (all or some contracts) for a period of time provided by written notice to the provider; or
 - B) termination (all or some contracts).

(Source: Amended at 30 Ill. Reg. 16281, effective September 29, 2006)

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- 1) Heading of the Part: Prevailing Wage Hearing Procedures
- 2) Code Citation: 56 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u>
100.5	Amended
100.10	Amended
100.22	Amended
100.24	Amended
100.26	Amended
100.28	New
100.30	Repealed
100.40	Repealed
100.50	Repealed
100.60	Repealed
100.70	Repealed
100.80	Repealed
100.90	Repealed
100.100	Repealed
100.110	Repealed
100.120	Repealed
- 4) Statutory Authority: 820 ILCS 130/11a
- 5) Effective Date of Amendments: September 26, 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 principle office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 28, 2005; 29 Ill. Reg. 19064
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Examples of a technical error were added to Section 100.24(d)(1)(B). Proposed Section 100.24(e) (concerning IDOL determining the weight to be given to each of the reasons for issuance of a notice of a

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modification in Section 100.24(d)) was deleted. Clarification of the 2-year and 4-year debarment periods was added to Section 100.28. Other nonsubstantive changes recommended by JCAR were also 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 amendments are implemented in order to apply the provisions contained in Public Act 94-515 and Public Act 94-488. The amendments update the recordkeeping requirements and change the hearing procedures used in debarment hearings. The amendments also clarify the situations in which a two-year versus a four-year debarment will be applicable and when a notice of violation will be issued. Other technical non-substantive changes were made.
- 16) Information and questions regarding these adopted amendments 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:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER a: GENERAL ADMINISTRATIVE RULESPART 100
PREVAILING WAGE HEARING PROCEDURES

Section

100.5	Applicability
100.10	Policy
100.20	Applicability (Renumbered)
100.22	Definitions
100.24	Notice of Violation
100.26	Initiation of Hearing
100.28	Debarments
100.30	Notice of Hearing (Repealed)
100.40	Intervention (Repealed)
100.50	Postponement or Continuance of Hearing (Repealed)
100.60	Hearing Examiner; Power and Duties (Repealed)
100.70	Pre-Hearing Conference (Repealed)
100.80	Consent Findings and Rules or Orders (Repealed)
100.90	Discovery (Repealed)
100.100	Hearing (Repealed)
100.110	Hearing Examiner's Decision (Repealed)
100.120	Judicial Review (Repealed)

AUTHORITY: Implementing and authorized by Section 11a of the Prevailing Wage Act [820 ILCS 130/11a].

SOURCE: Adopted at 8 Ill. Reg. 1586, effective January 20, 1984; emergency amendments at 14 Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days; emergency expired May 31, 1990; amended at 14 Ill. Reg. 13608, effective August 9, 1990; emergency amendment at 29 Ill. Reg. 14204, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 3909, effective February 28, 2005; amended at 30 Ill. Reg. 16293, effective September 26, 2006.

Section 100.5 Applicability

This Part shall apply to all hearings conducted by this Department of Labor under Section 11a of the Prevailing Wage Act [820 ILCS 130/11a] (the Act) for purposes of debarring a contractor or

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subcontractor from contracting for public works as defined in the Act for a ~~four~~^{two} year period. Such debarment is automatic after the contractor or subcontractor has received notice of a second violation of the Act within five years from the date of the notice of first violation, unless within 10 working days after receipt of the notice of a second violation he/she requests a hearing in writing in accordance with this Part.

(Source: Amended at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.10 Policy

All hearings shall be conducted in the most economic, expeditious and reasonable manner that is in accordance with Illinois law and the Department's Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120)~~these and other applicable rules. These rules are promulgated to guide the Hearing Examiner in his/her duties. Operational interpretations are to be made in a flexible manner to provide all parties with a fair and impartial hearing, consistent with the declaration of policy in Section 1 of the Act).~~

(Source: Amended at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.22 Definitions

d) "Accurate records" means the payroll records required to be filed with the public body in charge of the project as required by Section 5 of the Act. Accurate records shall also mean names, addresses, telephone numbers and social security numbers of all employees engaged in a public works project; each employee's classification for the type of work actually performed on the public works project; the hours worked each day in each work week by each employee, including any overtime hours; the hourly rate of pay for straight time hours worked; the hourly rate of pay for overtime hours worked; the hourly rate paid for fringe benefits, including pension, health and welfare, training and vacations, and a designation of whether such fringe benefits were paid into a fund or paid directly to the employee; ~~each employee's gross weekly wage, withholdings and net weekly wage; and the starting and ending times of work for each employee.~~

"Act" means the Prevailing Wage Act [820 ILCS 130].

h) "Construction manager" includes, but is not limited to, the contractor, subcontractor or anyone overseeing any project covered by the Act for purposes of the posting requirement.

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"Contract" means an agreement either written or oral or otherwise as agreed to between the parties.

- e) "DecisionDetermination" means that the Department has determined that a violation has occurred that warrantsthe decision by the Director or the Director'shis/her designee to issue a noticeNotice of violationViolation to a contractor or subcontractor ~~because the Act has been violated~~. Each specific finding listed in the noticeNotice of violationViolation is a separate "DecisionDetermination" that the Act has been violated.

"Director" means the Director of the Illinois Department of Labor or, at the Director's discretion, the Director's designee, deputy or agent.

- g) "Employee", for purposes of the Act and this Part, means laborers, mechanics and other workers employed in any public works, as defined and covered under the Act, by anyone under contracts for public works.

- h) "Employer", for purposes of the Act and this Part, means contractors and/or subcontractors who perform public works projects subject to the Act.

- b) "Notice of secondSeond violation" is a notice issued by the Department advising a contractor or subcontractor that a violation as defined in this Sectionsubsection (a) that has occurred within five~~two~~ years from the date of the notice of firsta previous violation.

- f) "Notice of violationViolation" means the formal written notice to a contractor or subcontractor that the Department has made a decisiondetermination that the contractor or subcontractor has violated the Act.

- e) "Prevailing hourly rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, training, vacations and pensions paid most frequently (numerically most occurring), in the county in which the public works is performed, to employees engaged on public works, as determined by the public body awarding the contract or the most recent revision as determined by the Department of Labor effective prior to the date when the contract was let for bids or, if not let for bids, when executed; and all revisions by the Illinois Department of Labor when effected.

- a) "Violation" means a written decisiondetermination by the Department that a contractor or subcontractor has: failed or refused to pay the prevailing wage to

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one or more laborers, workers, or mechanics under a single contract or subcontract as required by Section 3 of the Act; failed to keep accurate records as required by ~~Section 5 of the Act~~ or this Part; ~~failed to produce to the Department accurate records or records not in compliance with the provisions of Section 6 of the Act~~ produced falsified records or records not in compliance with the provisions of subsection (d) of this Section to the Department for inspection, as prohibited by Section 6 of the Act; refused to submit records to the Department in response to a subpoena issued in accordance with Section 10 of the Act; ~~refused to comply with the certified payroll provision of Section 5 of the Act~~; ~~refused the Department access, at any reasonable hour or at any location designated by the Department, to inspect the contractor's or subcontractor's certified records and other records as required by the Act or this Part~~; ~~refused access to the Department for inspection of records at any reasonable hours as required by Section 5 of the Act (regular business hours of the contractor or subcontractor or by mutual agreement between the Department and contractor or subcontractor)~~; ~~failed to furnish a sworn statement of the accuracy of its records in accordance with Section 10 of the Act~~; ~~or~~ failed to insert into each subcontract or lower tiered subcontract and into the project specifications for each subcontract or lower tiered subcontract a written stipulation that not less than the prevailing rate of wages be paid as required by Section 4 of the Act; ~~or the contractor failed to obtain a bond that guarantees the faithful performance of the prevailing wage clause in the contract~~. A violation also means a written ~~decision~~ determination by the Department that a contractor or construction manager failed to post at a location on the project site of the public works the prevailing wage rates as required by Section 4 of the Act.

(Source: Amended at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.24 Notice of Violation

- a) ~~After Upon~~ receipt of a ~~report of an inspection, survey or evaluation of a complaint or on the Department's initiative, the~~ against an employer, the Director ~~or his/her designee~~ shall review ~~the findings contained in~~ the investigative file to determine whether ~~there has been~~ the findings constitute a violation or violations of which the contractor or subcontractor must be given notice. All information, ~~evidence~~ and observations made during an audit, investigation or survey shall be considered and shall constitute the basis for the Department's ~~decision~~ determination that the Act has been violated and that a ~~notice~~ Notice of ~~violation~~ Violation shall be issued. The ~~notice~~ Notice of ~~violation~~ Violation shall ~~identify~~ list the ~~specific violations~~ specific determination that a contractor or subcontractor has violated of the Act.

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- b) The ~~notice~~Notice of ~~violation~~Violation shall state the amount of monies estimated due by the Department to be in controversy based on ~~reasons~~findings contained in the investigation file.
- c) In making a ~~decision that~~determination where a contractor or subcontractor has failed to allow the Director ~~or his/her deputies or agents~~ access to accurate payroll records, the Director shall rely on the information contained in the investigative file, the certified payroll records filed with the public body in charge of the project or any other information and shall assess a separate violation for each day worked by each worker on the subject project. Each ~~decision of~~determination of a separate violation under Section 5 of the Act shall be listed in the ~~notice~~Notice of ~~violation~~Violation.
- d) In deciding ~~whether the findings warrant a determination~~ that the Act has been violated and ~~that~~require the issuance of a notice of violation is required, the Director ~~or his/her designee~~ shall base ~~the~~his/her decision on one or any combination of the following ~~reasons~~factors:
- 1) The severity of the violations. The Director ~~or his/her designee~~ will consider the following:
 - A) The amount of wages that are determined to be underpaid pursuant to the Act. Whether the contractor or subcontractor is charged with violating the Act on at least 2 separate occasions.
 - B) The activity or conduct complained of violates the requirements of the statute and was not merely a technical, non-substantive error. Examples of a technical error include, but are not limited to, a mathematical error, bookkeeping error, transposition of numbers, or computer or programming error.
 - 2) The ~~nature~~frequency and duration of the present violations as well as prior history of the contractor or the subcontractor related to the Act. The prior history considered cannot exceed seven years before the date of the second notice of violation, that of findings in previous investigations and the contractor or subcontractor's general inspection history. The Director or his/her designee may consider whether the same or similar findings, relating to the prior violations of the Act, has been the result of prior investigations; and whether the contractor or subcontractor has allowed

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~~the conditions or violations to continue or recur.~~

- ~~3) The amount of wages determined to be in controversy (the difference between the amount actually paid and the required prevailing wage for that type of work). The Director or his/her designee may consider the amount of money in controversy for the cited violations.~~
- 34) Whether the contractor or subcontractor filed certified payroll records with the public body in charge of the project; whether the contractor or subcontractor has kept the payroll records and accurate records for 3 years; whether the contractor or subcontractor produced certified payroll records in accordance with Section 5 of the Act. ~~has made and kept, for a period of not less than 3 years, true and accurate records of the name, address, telephone number when available, social security number and occupation of all laborers, workers, and mechanics employed by them in connection with public works and whether those records show the actual hourly wages paid in each pay period to each employee and the hours worked each day in each work week by each employee, as well as starting and ending times of work for each employee.~~
- 45) Whether the contractor or subcontractor has violated any other provision of the Act. ~~The failure of a contractor or subcontractor to allow the Department reasonable access to their payroll records.~~
- ~~6) Whether the contractor or subcontractor furnished a sworn statement of the accuracy of its records pursuant to Section 10 of the Act.~~
- ~~7) Whether the contractor or subcontractor inserted into each subcontract or lower tiered subcontract and into the project specifications for each subcontract or lower tiered subcontract a written stipulation that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract for public works.~~
- ~~8) Whether the contractor or construction manager to whom a contract for public works is awarded posted, at a location on the project site of the public works that is easily accessible to the employees engaged on the project, the prevailing wage rates for each craft or type of laborer, worker and mechanic needed to execute the contract or project or work to be performed.~~

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- e) The notices of the first and second violations shall be sent by the Department by certified mail, deposited in the United States mail, postage prepaid, addressed to the last known address of the persons, partnerships, associations, or corporations involved. Said notices shall contain a reference to the specific Sections of the Act or this Part alleged to have been violated; identify the particular public works project involved; the conduct complained of; an identification as to first or second notice and a statement of remedies available to the contractor or subcontractor and Department.

(Source: Amended at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.26 Initiation of Hearing

- a) Request for Hearing [for Notice of Second Violation](#):- A hearing shall be initiated upon the request of a contractor or subcontractor after he/she has received the notice of a second violation of the Act [within five years from the date of the notice of first violation](#). Such request must be in writing and mailed by certified mail or delivered in person to the Department within 10 working days ~~after~~ receipt of the notice of ~~the~~ second violation. [Failure to request a hearing as required by this Section will result in the contractor or subcontractor, its directors, officers, agents, representatives or other controlling persons acting through or on their behalf from being awarded any contracts for public works for four years.](#)
- b) [Hearings shall be conducted pursuant to the Department's Rules of Procedure in Administrative Hearings \(56 Ill. Adm. Code 120\).](#)~~Initiation: A hearing shall be initiated by the issuance by the Director of Labor or his/her authorized representative of a Written Notice of Hearing.~~

(Source: Amended at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.28 Debarments

[A two year debarment period applies when the violation or violations that form the basis for either one or both of the notices of violation occurred prior to January 1, 2006. A four year debarment applies when the violation or violations that form the basis for both notices of violation occurred on or after January 1, 2006.](#)

(Source: Added at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.30 Notice of Hearing [\(Repealed\)](#)

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- a) ~~Contents: A Notice of Hearing served under subsection (b) of Section 100.26 shall include:~~
- ~~1) The time, place, date and nature of the hearing;~~
 - ~~2) The legal authority and jurisdiction under which the hearing is to be held;~~
 - ~~3) A reference of the particular section of statutes and rules involved;~~
 - ~~4) A short and plain statement of the matters asserted; and~~
 - ~~5) A designation of a Hearing Examiner to preside over the hearing and the address of the Hearing Examiner.~~
- b) ~~Service of the Notice of Hearing: Service shall be complete when the Notice of Hearing is served~~
- ~~1) in person or,~~
 - ~~2) deposited in the United States Mail, registered or certified, postage prepaid, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved not less than fourteen (14) days before the day designated for the hearing.~~
- c) ~~Referral of Hearing Examiner: A copy of a notice of hearing issued pursuant to subsection (b) of Section 100.26 shall be referred to the Hearing Examiner.~~

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.40 Intervention (Repealed)

- a) ~~Not later than fourteen (14) days prior to hearing, the Hearing Examiner shall permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when either of the following is met:~~
- ~~1) When the party may be adversely affected by a final order arising from the hearing; or~~

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- 2) ~~When the intervenor and hearing proceeding have a question of law or fact in common.~~
- b) ~~Two copies of a petition for intervention shall be filed with the Director of Labor and one copy shall be filed with the Hearing Examiner, and one copy served on each party, no later than 48 hours prior to the date set for hearing of the matters set forth in the Notice of Hearing. The Hearing Examiner shall permit later intervention when there is good cause shown for the delay. (For purposes of this Part good cause shall be shown by, but not limited to, the failure of a party to receive notice of the hearing; the inability of a party or intervenor to produce a material witness or relevant evidence; the illness or death of a party, intervenor, or counsel; the sudden and unexpected unavailability of counsel; substitution of counsel; or other similar reasons.)~~
- e) ~~An intervenor shall have all the rights of an original party, except that the Hearing Examiner shall, in his/her order allowing intervention, provide that the party not raise issues which might more properly have been raised at an earlier stage of the proceeding, that the party shall not raise new issues or add new parties, or that in other respects the party shall not interfere with the conduct of the hearing.~~

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.50 Postponement or Continuance of Hearing (Repealed)

~~A hearing shall be postponed or continued for good cause by the Hearing Examiner upon his/her own motion or upon motion of a party to the hearing; such motion of the party shall set forth facts attesting that the request for continuance is not for the purposes of delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing not less than three days in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive postponement or continuances.~~

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.60 Hearing Examiner; Power and Duties (Repealed)

- a) ~~Powers: A Hearing Examiner designated to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including the following:~~
- 1) ~~To administer oaths and affirmations;~~

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- 2) ~~To rule upon offers of proof and receive relevant evidence;~~
 - 3) ~~To exercise the power of the Director and issue subpoenas under any statute;~~
 - 4) ~~To provide for discovery and to determine its scope;~~
 - 5) ~~To regulate the course of the hearing and the conduct of the parties and their counsel;~~
 - 6) ~~To consider and rule upon procedural requests;~~
 - 7) ~~To hold conferences for the settlement or simplification of the issues;~~
 - 8) ~~To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetition or cumulative testimony and set reasonable limits on the amount of time each witness may testify;~~
 - 9) ~~To make or cause to be made an inspection of the employment or place of employment involved;~~
 - 10) ~~To make decisions in accordance with the Illinois Prevailing Wage Act, this Part, and the Illinois Administrative Procedure Act [5 ILCS 100].~~
- b) ~~Ex Parte Consultations: Except in the disposition of matters which are authorized by law to be entertained or disposed of on an ex parte basis, no agency member, or employee or Hearing Examiner shall, after notice of hearing pursuant to this Part, communicate directly or indirectly in connection with any issue of fact with any person or party or in connection with any other issue with any party or his representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member or Hearing Examiner may have the aid and advice of one or more personal assistants.~~
- e) ~~Disqualification:~~
- 1) ~~When a Hearing Examiner deems himself/herself unqualified to preside over a particular hearing, he/she shall withdraw from the hearing by notice on the record directed to the Director of Labor.~~

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- 2) ~~Any party who deems a Hearing Examiner, for any reason, to be unqualified to preside or to continue to preside over a particular hearing may file with the Director of Labor a motion to disqualify and remove the Hearing Examiner; and such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Director of Labor shall rule on the motion.~~
- d) ~~Contumacious Conduct—Failure of or Refusal to Appear or Obey the Rulings of a Presiding Hearing Examiner:~~
 - 1) ~~Contumacious conduct at any hearing before the Hearing Examiner shall be grounds for sanctions to be imposed by the Hearing Examiner.~~
 - 2) ~~If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Hearing Examiner shall render a decision based upon the information available.~~
- e) ~~Referral to Illinois Supreme Court Rules: On any procedural question not regulated by this Part, the Illinois Prevailing Wage Act and the Illinois Administrative Procedure Act, a Hearing Examiner may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules.~~

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.70 Pre-Hearing Conference (Repealed)

- a) ~~Convening a Conference: Upon his/her own motion or the motion of a party, the Hearing Examiner shall direct the parties or their counsel to meet with him/her for a conference to consider:~~
 - 1) ~~Simplification of the issues;~~
 - 2) ~~Necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation;~~
 - 3) ~~Stipulations, admissions of fact and of contents and authenticity of documents;~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 4) ~~Limitation of the number of witnesses;~~
 - 5) ~~Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and~~
 - 6) ~~Such other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion thereof.~~
- b) ~~Record of Conference: The Hearing Examiner shall make an order which recites the action taken at the conference, the amendments allowed to any documents which have been filed, and the agreements made between the parties as to any of the matters reconsidered, and which limits the issues for hearings to those not disposed of by admissions or agreements and such other order, when entered, controls subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.~~

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.80 Consent Findings and Rules or Orders (Repealed)

- a) ~~General: At any time before the receipt of evidence in any hearing or during any hearing, reasonable opportunity may be afforded to permit negotiations by the parties. An agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings shall be prepared by Hearing Examiner. The allowance of such opportunity and the duration thereof shall be in the discretion of the presiding Hearing Examiner after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.~~
- b) ~~Contents: Any agreement containing consent findings and rule of orders disposing of a proceeding shall also provide:~~
- 1) ~~That the rule of order shall have the same force and effect as if made after a full hearing;~~
 - 2) ~~That the entire record on which any rule or order may be based shall consist solely of the application of complaint and the agreement;~~
 - 3) ~~A waiver of any further procedural steps before the Hearing Examiner for~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

~~the Director of Labor; and~~

- 4) ~~Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.~~
- e) ~~Submissions: On or before the expiration of the time granted for negotiations, the parties or their counsel may:~~
 - 1) ~~Submit the proposed agreement to the presiding Hearing Examiner for his/her consideration; or~~
 - 2) ~~Inform the presiding Hearing Examiner that agreement cannot be reached.~~
- d) ~~Disposition: In the event that an agreement contains consent findings and rule or order is submitted in the time allowed therefore, the presiding Hearing Examiner shall accept such agreement by issuing his/her decision based upon the agreed findings.~~

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.90 Discovery (Repealed)

- a) ~~Depositions: For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Deposition may be taken orally or upon written interrogatories before any person designated by the presiding Hearing Examiner and having power to administer oaths.~~
- b) ~~Application: Any party desiring to take the deposition of a witness may make application in writing to the presiding Hearing Examiner, setting forth:~~
 - 1) ~~The reasons why such deposition should be taken;~~
 - 2) ~~The date, time, place and the name and post office address of the person before whom the deposition is to be taken;~~
 - 3) ~~The name and address of each witness; and~~
 - 4) ~~The subject matter concerning which each witness is expected to testify.~~
- e) ~~Notice: Such written notice as the presiding Hearing Examiner may order shall~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

~~be given by the party taking the deposition to every other party, and shall be postmarked no later than fourteen (14) days prior to taking depositions.~~

- d) ~~Other Discovery: Whenever appropriate to a just disposition of any issue in a hearing, the presiding Hearing Examiner may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, production of documents by a party, or by entry for inspection of the employment or place of employment involved.~~

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.100 Hearing (Repealed)

- a) ~~Nature: All hearings shall be public.~~
- b) ~~Order of Proceeding: The following shall be the order of proceeding of all hearings, subject to modification by the presiding Hearing Examiner for good cause.~~
- 1) ~~Reading Notice of Hearing by Hearing Examiner.~~
 - 2) ~~Presentation, argument and disposition of motions preliminary to a hearing or the merits of the matters raised in the notice or answer.~~
 - 3) ~~Offer of proof by respondent in response to the complaint of alleged violation.~~
- e) ~~Burden of Proof: The Department of Labor shall have the burden of proof. The standard of proof shall be a preponderance of the evidence.~~
- d) ~~Default: Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Hearing Examiner shall constitute a default. The Hearing Examiner shall thereupon enter such findings, opinions and order as is appropriate under the pleadings and such evidence as he/she shall receive into the record.~~
- e) Evidence
- 1) ~~Admissibility: A party shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct~~

DEPARTMENT OF LABOR

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~~such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding Hearing Examiner shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, a Hearing Examiner shall allow evidence to be received in written form.~~

- 2) ~~Testimony of Witnesses: The testimony of a witness shall be under oath or affirmation administered by the presiding Hearing Examiner.~~
- f) ~~Transcript: Oral proceedings or any part thereof shall be recorded by a certified court reporter or by a mechanical recording device. The only Certified Record shall be the record kept by the Department of Labor. Such records shall be transcribed:~~
- 1) ~~upon written application filed with the Hearing Examiner or by instructions from the Hearing Examiner, the Department of Labor shall cause a record of the proceeding to be transcribed.~~
 - 2) ~~upon receipt of summons in Administrative Review or Order of court. Any recording or transcription will be retained through and including the time allotted for appeal, revision, re-hearing, or other manner of review, prior to final disposition as provided for by the Director of Labor or law.~~
- g) ~~Official Record: The official record of all hearings pursuant to this Part shall consist of the information enumerated in Section 10-35 of the Illinois Administrative Procedure Act, including:~~
- 1) ~~The Request for Hearing;~~
 - 2) ~~The Notice of Hearing;~~
 - 3) ~~A transcript of the Hearing;~~
 - 4) ~~Hearing Examiner Findings of Fact, Conclusion of Law and Order.~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.110 Hearing Examiner's Decision (Repealed)

~~Where authorized by Illinois Prevailing Wage Act or this Part to act as the personal representative of the Director of Labor, the Hearing Examiner shall render a decision and issue an order upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence. The decision in the case will be the decision for and of the Director of Labor and shall become effective immediately upon the execution of the Order by the Hearing Examiner or as otherwise specified within the order or an applicable statute. A copy of the order shall be delivered or mailed to each party and to each attorney of record, postage prepaid, certified or registered, addressed to the last known address of the party or attorney.~~

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

Section 100.120 Judicial Review (Repealed)

- a) ~~If the proceedings to review judicially the final determination of the Department of Labor are not instituted as provided in subsection (b), the determination shall be final and binding upon publication in the Illinois Register.~~
- b) ~~The provisions of the Administrative Review Law [735 ILCS 5/Art. III], and all amendments and modifications, shall apply to and govern all proceedings for the judicial review of final "administrative decisions" of the Department of Labor. The term administrative decision is defined as in Section 3-101 of the Administrative Review Law.~~

(Source: Repealed at 30 Ill. Reg. 16293, effective September 26, 2006)

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1910.79	New Section
1910.95	Amended
- 4) Statutory Authority: 35 ILCS 200/Art.7 and Sections 16-180 through 16-195
- 5) Effective Date of Rulemaking: September 29, 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 the Illinois Register: June 16, 2006; 30 Ill. Reg. 10599
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Changes made between the proposal and the final version of the rules included editing and formatting changes recommended by the Joint Committee on Administrative Rules (JCAR). The agency also made changes to service of documents as suggested by JCAR and pursuant to comments made during the First Notice period. A subsection reference was added to Section 1910.95 to exclude objections by the Board of Review to requests for extensions from service requirements and that service requirements and application begin in the 2006 assessment year. Service requirements and application do not apply to initial petitions for appeal and Board response and initial intervention.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter 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

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This rulemaking, which amends one existing section and adds one new section, is designed to streamline and expedite the appeal process through procedural changes and address service requirements for documents submitted by a party in support of an issue pending before the Board where a change in assessed valuation of \$1 million or more is sought.
- 16) Information and questions regarding these adopted amendments shall be directed to:

James W. Chipman - Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706

217/782-6076
James.Chipman@illinois.gov

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

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910

PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section

1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order
1910.20	Board Information – Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.31	Amendments
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.55	Stipulations
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Board Publications – Distribution
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
<u>1910.79</u>	<u>Policy on Discovery</u>
1910.80	Forms
1910.88	Use of Facsimile Machines
1910.90	Procedural Hearing Rules
1910.91	Business Records

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

1910.92	Rules of Pleading, Practice and Evidence
1910.93	Request for Witnesses
1910.94	Inspection of Subject Property – Effect of Denial by Taxpayer or Property Owner
1910.95	<u>Service of Documents in Certain Cases</u> Separability (Renumbered)
1910.96	Evidence Depositions
1910.98	Transcription of Hearings – Official Record
1910.99	Adoption of Evidence
1910.100	Severability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006; expedited correction at 30 Ill. Reg. 14633, effective May 16, 2006; amended at 30 Ill. Reg. 12280, effective June 30, 2006; amended at 30 Ill. Reg. 14148, effective August 11, 2006; amended at 30 Ill. Reg. 16311, effective September 29, 2006.

Section 1910.79 Policy on Discovery

- a) It is the policy of the Property Tax Appeal Board to obtain full disclosure of all relevant and material facts prior to hearing.
- b) It is the policy of the Board to encourage voluntary exchange by the parties of all relevant and material facts prior to hearing through the use of requests for documents and information. When less formal procedures have proven to be unsuccessful, formal discovery by means available under this Part will be allowed.

(Source: Added at 30 Ill. Reg. 16311, effective September 29, 2006)

Section 1910.95 Service of Documents in Certain Cases~~Separability (Renumbered)~~

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Service Requirements and Application. Beginning with assessments made for the 2006 assessment year, except as otherwise provided in Sections 1910.30(f) and (l), 1910.40(a), (e), and (f), and 1910.60(c), (d), (e), and (g), this Section contains the Property Tax Appeal Board's service requirements for documents submitted by a party in support of an issue pending in any appeal where a change in assessed valuation of \$1 million or more is sought before the Board. Service of documents shall commence after the contesting party has initiated a petition for appeal with the Board and after notice has been given to the board of review of the appeal filing as provided in Section 1910.40(a) of this Part. Requests and motions for extensions of time made pursuant to Sections 1910.30(g), 1910.40 (b) and (d), and 1910.60(f) of this Part are not subject to this Section. All other motions made by the parties shall be governed by Section 1910.64 of this Part.
- b) Method of Service. Service of documents shall be made at the same time upon all parties by personal delivery, by the United States Postal Service or by any other mail delivery service, properly addressed, with postage prepaid. Service on a party shall be at its last known address, unless otherwise designated by the party.
- c) Service on the Board. A party shall serve an original and one copy of any document on the Board at its Springfield office. Otherwise, all other parties are entitled to one legible copy of the document to be served.
- d) Proof of Service. Proof of service shall be attached to any document served upon a party. The proof of service shall show the date, time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by certified mail with return receipt.
- e) Failure to Serve. Failure to serve copies of documents as required under this Section does not in any way impair the jurisdiction of the Board over any party. The Board shall order the offending party to reimburse the aggrieved party for any expenses shown to have been incurred as a result of the failure to serve.
- f) Definition. "Document" includes any form of documentary or rebuttal evidence as provided in Sections 1910.65 and 1910.66 of this Part, any board of review submission required under Section 1910.40 of this Part, and requests to intervene and resolutions required under Section 1910.60 of this Part.

(Source: Section 1910.95 renumbered to Section 1910.100 at 30 Ill. Reg. 1419, effective January 20, 2006; Section 1910.95 amended at 30 Ill. Reg. 16311, effective September 29, 2006)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 213
PURSE RECAPTURE

Section	
213.10	General
213.20	Definitions
213.30	Estimated Purse Recapture Certification
213.40	Purse Recapture Certification
213.50	Notice of Purse Recapture Certification
213.60	Department of Agriculture Grant Agreements
213.70	Distribution of the Purse Recapture Reimbursement

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

SOURCE: Adopted at 24 Ill. Reg. 17484, effective November 8, 2000; amended at 30 Ill. Reg. 16316, effective October 1, 2006.

Section 213.10 General

Pursuant to Section 26(g)(13) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)(13)], qualified licensed Illinois wagering facilities are permitted to deduct an amount equal to 2% of the difference between the wagering facility's license's 1994 handle on Illinois races and its handle on Illinois races in the year in question, from amounts allocated or payable to purses in the succeeding year, at the racetrack from which the wagering facility is affiliated. Recapture amounts shall not be taken until after certification by the Board.

(Source: Amended at 30 Ill. Reg. 16316, effective October 1, 2006)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Race Officials
- 2) Code Citation: 11 Ill. Adm. Code 1306
- 3) Section Number: 1306.110 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: October 1, 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 amendment, 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: 30 Ill. Reg. 10604; 06/16/06
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: One nonsubstantive change was made for clarification.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking 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 adopted rulemaking will allow the Stewards to declare a race void and order all wagers refunded in the event of an unavoidable cause. A similar rule currently exists in the thoroughbred Section of the Board's rules.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Illinois Racing Board
100 West Randolph, Suite 7-701

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Chicago, Illinois 60601

Attn: Mickey Ezzo

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1306
RACE OFFICIALS

Section	
1306.10	State Steward
1306.20	Additional Steward
1306.30	Judges
1306.50	Disqualification to Act as Official
1306.70	Participation Forbidden
1306.80	Judges' Stand Occupants
1306.90	Improper Conduct
1306.100	Presiding Judge
1306.110	Powers of the State Steward and Judges
1306.120	Duties of the Judges and State Steward
1306.130	Procedures of the Judges and State Steward
1306.140	Patrol Judge
1306.160	Starting Judges
1306.170	Duties of Starter
1306.180	Clerk of the Course
1306.190	Timers
1306.200	Paddock Judge
1306.210	Program Director
1306.220	Horse Identifier
1306.230	State Veterinarian
1306.240	Bribes Forbidden
1306.250	Drinking of Intoxicating Liquor Prohibited
1306.260	Arrival Time (Repealed)

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

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication; codified at 5 Ill. Reg. 10926; amended at 10 Ill. Reg. 10147, effective May 27, 1986; amended at 30 Ill. Reg. 16319, effective October 1, 2006.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Section 1306.110 Powers of the State Steward and Judges

The ~~State Steward~~[state steward](#) and the judges shall have the following powers:

- a) Inflict fines and penalties, as prescribed by ~~this Part~~[these rules](#).
- b) Determine all questions of fact relating to the race.
- c) Decide any differences between parties to the race. Should any case occur that may or may not be covered by ~~this Chapter~~[the Rules and Regulations](#), it shall be determined by the officials. When no penalty is provided, the ~~State Steward~~[state steward](#) and judges shall have the authority to impose stated penalties as they think just, recommending to the Board more severe penalties if they think fit.
- d) Declare pools and bets "off" in the case of fraud, no appeal to be allowed from their decision in that respect. All pools and bets follow the decision of the judges. Such a decision in respect to pools and bets, shall be made at the conclusion of the race upon the observations of the judges and upon such facts as an immediate investigation shall develop. A reversal or change of decision after the official placing at the conclusion of the heat or dash shall not affect the distribution of betting pools made upon such official placing. When pools and bets are declared off for fraud, the guilty parties shall be fined, suspended and/or expelled.
- e) Control the horses, drivers and assistants and punish by a fine not exceeding \$500- or by suspension or expulsion, any person who shall fail to obey their orders or the rules. In no case shall there be any compromise or change on the part of the judges of punishment prescribed in the rules, but the same shall be strictly enforced.
- f) Conduct an inquiry into a violation of any rule and take such action as may be appropriate and render their report to the Board. Any action, as a result of such inquiry, must be concurred in by the majority of the judges. Any person required to appear before the judges for a hearing or examination who shall fail to appear after due notice in writing shall be penalized.
- g) Consider complaints of foul from the patrols, owners or drivers in the race and no others.
- h) [Declare a race void and order all wagers refunded in the event of unfavorable weather or other unavoidable cause.](#)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 30 Ill. Reg. 16319, effective October 1, 2006)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois State Library, Library Services Division
- 2) Code Citation: 23 Ill. Adm. Code 3010
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3060.EXHIBIT C	Amend
3060.EXHIBIT D	New Section
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320]
- 5) Effective Date of Amendments: October 2, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposed Published in the Illinois Register: May 12, 2006; 30 Ill. Reg. 8810
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between the proposal and final version: In EXHIBIT C in the paragraph above the signature line, strike "I FURTHER ACKNOWLEDGE THAT DISCLOSURE OF MY SOCIAL SECURITY ACCOUNT NUMBER IS VOLUNTARY AND REQUESTED PURSUANT TO 5 ILCS 320/10 FOR THE PURPOSE OF MAINTAINING A REGISTRY OF ALL BOOKS AND OTHER MATERIALS LOANED BY THE ILLINOIS STATE LIBRARY.".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 15) A Complete Description of the Subjects and Issues Involved: To maintain the privacy of users, state library courtesy card applicants will not be asked their Social Security number in Exhibit C, and a new Section, Exhibit D, is an application for a regular borrower's card.
- 16) Time, Place and Manner in which interested persons may comment on these adopted amendments:

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

217-558-4185; jnatale@ilsos.net

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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

PART 3010

ILLINOIS STATE LIBRARY, LIBRARY SERVICES DIVISION

SUBPART A: USE OF THE ILLINOIS STATE LIBRARY

Section	
3010.10	Definitions
3010.20	Service Populations
3010.30	Hours of Service
3010.40	Library Stack Area
3010.50	Use by the General Public
3010.60	Copies

SUBPART B: COLLECTION ACCESS SECTION (CIRCULATION)

Section	
3010.110	Circulation of Materials
3010.120	Materials for Loan
3010.130	Loan Periods
3010.140	Holds, Recalls and Renewals
3010.150	Return of Materials
3010.160	Replacement of Lost and/or Damaged Materials
3010.170	Theft of Materials
3010.180	Photocopies (Repealed)

SUBPART C: PUBLIC SERVICES SECTION

Section	
3010.210	Reference Service

SUBPART D: RESOURCE SHARING SECTION
(INTERLIBRARY LOAN)

Section	
3010.310	Interlibrary Loan
3010.320	Resource Sharing Agreements

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section

3010.EXHIBIT A Temporary Stack Pass Application

3010.EXHIBIT B Use of the Public Services Areas of the Illinois State Library: General Policies and Guidelines

3010.EXHIBIT C Illinois State Library Card Application Form: Courtesy Card

3010.EXHIBIT D Illinois State Library Card Application Form: Regular Card

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320].

SOURCE: Amended July 18, 1973; rules repealed, new rules adopted and codified at 7 Ill. Reg. 13679, effective October 4, 1983; amended at 25 Ill. Reg. 5412, effective April 1, 2001; amended at 30 Ill. Reg. 16324, effective October 2, 2006.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 3010.EXHIBIT C Illinois State Library Card Application Form: Courtesy Card

ILLINOIS STATE LIBRARY
CIRCULATION
300 S. SECOND ST.
SPRINGFIELD, IL 62701-1796

ILLINOIS STATE LIBRARY CARD APPLICATION FORM – COURTESY CARD

DATE: _____ NAME _____ (last) (first) (m.i.)

HOME INFORMATION

STREET

CITY

ZIP

PHONE

WORK INFORMATION

BUSINESS

STREET

CITY

ZIP

PHONE

PUBLIC LIBRARY CARD INFORMATION

LIBRARY

CARD #

EXPIRATION

STAFF USE ONLY

Library Card Expiration Date:

I HEREBY PROMISE TO ASSUME FULL RESPONSIBILITY FOR ANY LIBRARY MATERIALS BORROWED ON THIS CARD. I WILL RETURN THE MATERIALS ON OR BEFORE THE DATE DUE, PAY RETURN POSTAGE OR EXPRESS, AND PAY FOR ANY LOSSES OR DAMAGES. I FURTHER ACKNOWLEDGE THAT DISCLOSURE OF MY SOCIAL SECURITY ACCOUNT NUMBER IS VOLUNTARY AND REQUESTED PURSUANT TO 5 ILCS 320/10 FOR THE PURPOSE OF MAINTAINING A REGISTRY OF ALL BOOKS AND OTHER MATERIALS LOANED BY THE ILLINOIS STATE LIBRARY. ALL PATRON RECORDS ARE KEPT STRICTLY CONFIDENTIAL.

SIGNATURE _____ SOCIAL SECURITY #

SIGNATURE OF RESPONSIBLE PARTY FOR CHILDREN UNDER 13: _____

STAFF USE ONLY

Barcode

Staff Initials

This application is subject to review by the Illinois State Library Circulation Staff. Applicant will be contacted for further information if necessary.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 16324, effective October 2, 2006)

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NOTICE OF ADOPTED AMENDMENTS

Section 3010.EXHIBIT D Illinois State Library Card Application Form: Regular Card

<p><u>ILLINOIS STATE LIBRARY</u> <u>CIRCULATION</u> <u>300 S. SECOND ST.</u> <u>SPRINGFIELD IL 62701-1796</u></p> <p><u>ILLINOIS STATE LIBRARY CARD APPLICATION FORM – REGULAR CARD</u></p>			
DATE _____		NAME _____	
		(last)	(first)
			(m.i.)
<u>AGENCY INFORMATION</u>		<u>HOME ADDRESS INFORMATION</u>	
<u>AGENCY</u>		<u>STREET</u>	
<u>DIV.</u>		<u>CITY</u>	
<u>ROOM #</u>		<u>STATE</u>	
<u>STREET</u>		<u>ZIP</u>	
<u>CITY</u>		<u>PHONE</u>	
<u>ZIP</u>		<u>PLEASE CHECK TYPE OF EMPLOYMENT:</u>	
<u>PHONE</u>		<input type="checkbox"/> <u>Full time</u>	
<u>FAX</u>		<input type="checkbox"/> <u>Contractual</u> <u>Ending Date</u> _____	
<u>EMAIL</u>		<input type="checkbox"/> <u>Temporary</u> <u>Ending Date</u> _____	
<u>STAFF USE ONLY: GOVERNMENT AFFILIATION</u>		<input type="checkbox"/> <u>Intermittent</u> <u>Ending Date</u> _____	
1. <input type="checkbox"/> <u>GS</u> 2. <input type="checkbox"/> <u>GV</u> 3. <input type="checkbox"/> <u>LS</u>		<input type="checkbox"/> <u>Other</u> <u>Ending Date</u> _____	
<u>STAFF USE ONLY</u>			
		<u>Library Card Expiration Date:</u>	
<p><u>I HEREBY PROMISE TO ASSUME FULL RESPONSIBILITY FOR ANY LIBRARY MATERIALS BORROWED ON THIS CARD. I WILL RETURN THE MATERIALS ON OR BEFORE THE DATE DUE, PAY RETURN POSTAGE OR EXPRESS, AND PAY FOR ANY LOSSES OR DAMAGES. ALL PATRON RECORDS ARE KEPT STRICTLY CONFIDENTIAL.</u></p>			
<u>SIGNATURE</u> _____			
<u>STAFF USE ONLY</u>			
<u>Barcode</u>		<u>Staff Initials</u>	
<u>This application is subject to review by the Illinois State Library Circulation Staff. Applicant will be contacted for further information if necessary.</u>			

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 30 Ill. Reg. 16324, effective October 2, 2006)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Library Construction Grants
- 2) Code Citation: 23 Ill. Adm. Code 3060
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
3060.1100	Repealed
3060.1110	Amended
- 4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8]
- 5) Effective Date of Amendments: October 2, 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 and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the *Illinois Register*: May 26, 2006; 30 Ill. Reg. 9436
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: In the Section 3060.1100 heading where the word "more" appears, the word was capitalized.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes. An emergency rulemaking was adopted on May 26, 2006 at 30 Ill. Reg. 9917.
- 14) Are there any other amendments pending on this Part? No
- 15) A Complete Description of the Subjects and Issues Involved: Due to an unexpected increase in funding for this program, the Secretary of State, who is also the State Librarian, has determined that grants may now be made that are larger than were

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NOTICE OF ADOPTED AMENDMENTS

originally anticipated when the most recent amendatory rulemaking for this Part was proposed at 30 Ill. Reg. 2093 (February 12, 2006 *Illinois Register*) and adopted at 30 Ill. Reg. 10492 (June 9, 2006 *Illinois Register*). In order to maximize the benefits of this grant program and permit grantees to award contracts for construction projects at the lowest possible cost, the State Library plans to eliminate its past practice of processing payments in stages, thereby permitting grantees to pursue an entire contract as soon as possible and avoid rising costs of construction for materials, equipment and services that grantees have experienced in recent months.

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

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

217/558-4185; jnatale@ilsos.net

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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

PART 3060
PUBLIC LIBRARY CONSTRUCTION GRANTS

SUBPART A: INTRODUCTION

- Section
- 3060.100 Program Purpose
- 3060.200 Duty to Administer
- 3060.400 Definitions

SUBPART B: GRANT APPLICATION

- Section
- 3060.500 Priorities in Library Grant Construction Proposals
- 3060.600 Grant Funding Limitations
- 3060.700 The Chicago Public Library Branches
- 3060.800 Grant Application Procedure
- 3060.900 Requirements and Conditions of Grant Funds
- 3060.1000 Remodeling for Accessibility
- 3060.1050 Shared Use Facilities
- 3060.1100 Disbursement of Grant Funds of \$50,000 or ~~More~~ [more \(Repealed\)](#)
- 3060.1110 Disbursement of Grant Funds ~~of \$50,000 or less~~

SUBPART C: APPEAL PROCEDURE

- Section
- 3060.2000 Appeal Procedure

3060.APPENDIX A EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510,

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NOTICE OF ADOPTED AMENDMENTS

effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. 12493, effective August 22, 1995; amended at 20 Ill. Reg. 13078, effective September 20, 1996; emergency amendment at 20 Ill. Reg. 15081, effective November 7, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 4981, effective April 3, 1997; amended at 23 Ill. Reg. 12717, effective October 4, 1999; amended at 25 Ill. Reg. 8352, effective July 1, 2001; amended at 26 Ill. Reg. 12014, effective August 1, 2002; amended at 27 Ill. Reg. 17089, effective November 1, 2003; amended at 28 Ill. Reg. 15607, effective December 1, 2004; amended at 29 Ill. Reg. 13885, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 9917, effective May 15, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10492, effective May 25, 2006; amended at 30 Ill. Reg. 16332, effective October 2, 2006.

SUBPART B: GRANT APPLICATION

Section 3060.1100 Disbursement of Grant Funds of \$50,000 or ~~Moremore~~ (Repealed)

~~For grants of \$50,000 or more, the Illinois State Library shall disburse grant funds in accordance with the following schedule:~~

- a) ~~45% upon approval of the subject application and execution of the grant agreement;~~
- b) ~~45% upon receipt by the Illinois State Library of the following items:~~
 - 1) ~~A list of bids submitted and bids accepted;~~
 - 2) ~~A revised project budget after bids have been accepted;~~
 - 3) ~~A revised construction schedule after bids have been accepted;~~
 - 4) ~~A copy of the building permit issued by the appropriate corporate authority;~~
 - 5) ~~Copies of each contract signed, including:~~

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- A) ~~general contractor;~~
- B) ~~prime contractor;~~
- C) ~~any contracts for which separate bids were advertised and received (e.g., carpeting, equipment);~~
- D) ~~subcontractors (if contracts are to be signed later, copies can be sent as signed but prior to the start of the subcontractor's work);~~
- 6) ~~Notification of the erection on the construction site of a sign stating that library construction funds administered by the Secretary of State are being used for the construction;~~
- 7) ~~Quarterly narrative and financial reports to date;~~
- 8) ~~Letter of notification as to the official date of actual construction start. Construction should begin within 140 days after the effective date of the contract with the Illinois State Library according to Section 3060.600(f) of this Part;~~
- 9) ~~Submission of any projected project expenditure changes including identification in detail of how the grant is to be spent;~~
- e) ~~10% upon completion of the project and receipt and approval of the close-out reports and audit by the Illinois State Library.~~

(Source: Repealed at 30 Ill. Reg. 16332, effective October 2, 2006)

Section 3060.1110 Disbursement of Grant Funds ~~of \$50,000 or Less~~

- a) For grants under this Part ~~of \$50,000 or less~~, the State Library shall make a lump sum payment upon the signing of the grant contract with the Secretary of State.
- b) Throughout the course of the project, the grantee shall submit the following:
 - 1) A list of bids submitted and bids accepted;
 - 2) A revised project budget after bids have been accepted;

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NOTICE OF ADOPTED AMENDMENTS

- 3) A revised construction schedule after bids have been accepted;
 - 4) A copy of the building permit issued by the appropriate corporate authority;
 - 5) Copies of each contract signed, including:
 - A) general contractor;
 - B) prime contractor;
 - C) any contracts for which separate bids were advertised and received (e.g., carpeting, equipment);
 - D) subcontractors (if contracts are to be signed later, copies can be sent as signed but prior to the start of the subcontractor's work);
 - 6) Notification of the erection on the construction site of a sign stating that library construction funds administered by the Secretary of State are being used for the construction;
 - 7) Quarterly narrative and financial reports to date;
 - 8) Letter of notification as to the official date of actual construction start. Construction should begin within 140 days after the effective date of the contract with the Illinois State Library, according to Section 3060.600(f) of this Part;
 - 9) Submission of any projected project expenditure changes, including identification in detail of how the grant is to be spent.
- c) Upon completion of the project, submit for approval the close-out reports and audit by the Illinois State Library as specified in Section 3060.800(b)(2)(Q) of this Part.

(Source: Amended at 30 Ill. Reg. 16332, effective October 2, 2006)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Numbers: Adopted Action:
 1.77 New Section
 1.242 New Section
 1.420 Amendment
 1.430 Amendment
 1.720 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Amendments: September 26, 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: June 2, 2006; 30 Ill. Reg. 9951
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Does this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
1.88	New Section	30 Ill. Reg. 11482; July 7, 2006

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NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This rulemaking gathers together several unrelated changes, as follows:

A new Section 1.77 institutes a requirement for electronic reporting by districts of information used in determining whether teachers can be considered “highly qualified” for their assignments in the core academic subject areas.

A new Section 1.242 conveys the due process requirements that are applicable when school districts elect to deny enrollment to high school students for failure to maintain academic or attendance standards, as permitted by Public Act 93-803.

Sections 1.420 and 1.430 have been updated to acknowledge that, under Public Act 94-198, physical education is not required daily in cases of block scheduling.

Language has been inserted into Section 1.720 to clarify the long-standing policy that the "major field of teaching assignment" is the one in which a (middle-grades) teacher spends the most time and is thus the field in which the teacher is generally required to have 18 semester hours of credit.

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

Donna Luallen
Accountability Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/782-2948

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

1.10	Public School Accountability Framework
1.20	Operational Requirements
1.30	State Assessment
1.40	Adequate Yearly Progress
1.50	Calculation of Participation Rate
1.60	Subgroups of Students; Inclusion of Relevant Scores
1.70	Additional Indicators for Adequate Yearly Progress
1.75	Student Information System
1.77	Educator Certification System
1.80	Academic Early Warning and Watch Status
1.85	School and District Improvement Plans; Restructuring Plans
1.90	System of Rewards and Recognition – The Illinois Honor Roll
1.95	Appeals Procedure
1.100	Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section

1.210	Powers and Duties (Repealed)
1.220	Duties of Superintendent (Repealed)
1.230	Board of Education and the School Code (Repealed)
1.240	Equal Opportunities for all Students
1.242	Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 180 (Repealed)
1.260	Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270	Book and Material Selection (Repealed)
1.280	Discipline

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Responsibilities
1.320 Evaluation of Certified Staff in Contractual Continued Service
1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
1.420 Basic Standards
1.430 Additional Criteria for Elementary Schools
1.440 Additional Criteria for High Schools
1.445 Required Course Substitute
1.450 Special Programs
1.460 Credit Earned Through Proficiency Examinations
1.462 Uniform Annual Consumer Education Proficiency Test
1.465 Ethnic School Foreign Language Credit and Program Approval
1.470 Adult and Continuing Education
1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
1.515 Training of School Bus Driver Instructors
1.520 School Food Services (Repealed)
1.530 Health Services
1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
1.620 Accreditation of Staff (Repealed)
1.630 Noncertificated Personnel

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- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Minimum Requirements for Teachers (Repealed)
 - 1.710 Requirements for Elementary Teachers
 - 1.720 Requirements for Teachers of Middle Grades
 - 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
 - 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
 - 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
 - 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
 - 1.740 Standards for Reading through June 30, 2004
 - 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
 - 1.750 Standards for Media Services through June 30, 2004
 - 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
 - 1.760 Standards for Pupil Personnel Services
 - 1.762 Supervision of Speech-Language Pathology Assistants
 - 1.770 Standards for Special Education Personnel
 - 1.780 Standards for Teachers in Bilingual Education Programs
 - 1.781 Requirements for Bilingual Education Teachers in Grades K-12
 - 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
 - 1.790 Substitute Teacher
-
- 1.APPENDIX A Professional Staff Certification
 - 1.APPENDIX B Certification Quick Reference Chart
 - 1.APPENDIX C Glossary of Terms (Repealed)
 - 1.APPENDIX D State Goals for Learning
 - 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
 - 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
 - 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-

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

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.77 Educator Certification System

Each school district shall ensure that information on the qualifications of its professional and paraprofessional staff is recorded on the electronic data system maintained by the State Board of Education so that the State Board may complete federally required reports. A district that lacks the technological capacity to participate in this electronic system shall be given an opportunity to demonstrate to the State Superintendent that this is the case, and the State Superintendent shall make available an alternative means that the district shall use in transmitting the required information.

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(Source: Added at 30 Ill. Reg. 16338, effective September 26, 2006)

SUBPART B: SCHOOL GOVERNANCE

Section 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards

A parent or guardian who receives notice of a school board's intention to deny enrollment to a student for either of the reasons specified in Section 26-2(c) of the School Code [105 ILCS 5/26-2] may appeal the determination to exclude the student.

- a) Upon the request of the parent or guardian, the school board or a hearing officer appointed by the board shall hold a hearing to review the board's determination.
- b) The parent or guardian shall have the right to appear at the hearing and discuss the board's determination to exclude the student with the board or its hearing officer.
- c) If a hearing officer has been appointed by the board, he or she shall provide to the board a written summary of the evidence heard at the hearing.
- d) After the hearing, if held by the board, or after the board's receipt of the hearing officer's written summary, the board may take the action it finds appropriate.
- e) Any appeal requested by the parent or guardian must be heard and a final determination made under subsection (d) of this Section before the student may be denied enrollment under Section 26-2(c) of the School Code.

(Source: Added at 30 Ill. Reg. 16338, effective September 26, 2006)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit that can be disseminated to other schools within the State.
- c) Every school district shall:

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

class for at least four clock-hours.

- C) Requests for extensions of the State Superintendent's approval shall be made annually prior to the opening of school.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers hold certificates which are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is held by all teachers.
- 4) Attendance for General State Aid Purposes
- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance.

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NOTICE OF ADOPTED AMENDMENTS

- B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.
- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code.
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
- 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
- B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
- C) All support services (e.g., health counseling and transportation)

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provided by the district must be equally available to full-day and half-day students.

- i) Career Education
 - 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
- j) Co-Curricular Activities
 - 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
- k) Consumer Education and Protection
 - 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services – housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.
 - 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (see Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
 - 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing,

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budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

- 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.
 - 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.
- l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
 - m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
 - n) Health Education
 - 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
 - A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
 - C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

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- D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
- 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2] or by the Sex Education Act [105 ILCS 130].
- o) Media Programs
Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school.
- p) Physical Education
- 1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by~~(see~~ Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).*
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under*

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the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).

- 6) Pursuant to Section 27-6 of the School Code ~~[105 ILCS 5/27-6]~~, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 ~~[225 ILCS 60]~~ shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. A board shall, however, have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district. For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
- 7) In addition, pursuant to Section 27-6(b) of the School Code, each school board ~~that~~^{which} chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) Pupil Personnel Services
To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;

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- 4) Health Needs.
- r) Social Sciences and History
- Each school system shall provide history and social sciences courses that do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
 - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
 - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
 - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection", ANSI Z87.1-2003, issued by the American National Standards Institute, Inc., 1819 L Street, NW, Suite 600, Washington, D.C. 20036. No later additions or amendments to these standards are

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incorporated by this Part.

- t) *In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades. (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2])*
- u) *School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development. (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3])*

(Source: Amended at 30 Ill. Reg. 16338, effective September 26, 2006)

Section 1.430 Additional Criteria for Elementary Schools

- a) A district shall provide the following coordinated and supervised courses of study. The time allotment, unless specified by ~~the~~The School Code or applicable rulesregulations, is the option of the local board of education.
 - 1) Language Arts, Reading and other Communication Skills
 - 2) Science
 - 3) Mathematics
 - 4) Social Studies
 - 5) Music
 - 6) Art
 - 7) Health Education (see the Critical Health Problems and Comprehensive Health Education Act), ~~one semester or equivalent at the junior high level~~ (Ill. Rev. Stat. 1989, ch. 122, par. 861 et seq.).

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- 8) Physical Education, ~~daily~~ (see Section 27-6 of ~~the~~The School Code)-
 - 9) Career Education – Awareness and Exploration
 - 10) Safety Education, ~~one hour per week~~ (see Section 27-17 of ~~the~~The School Code)-
 - 11) Conservation of Natural Resources (see Section 27-13.1 of ~~the~~The School Code)-
 - 12) *Instruction, study, and discussion in grades kindergarten through 8 of effective methods for the prevention and avoidance of drug and substance abuse* (Section 27-13.2 of ~~the~~The School Code)-
- b) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the 7th and 8th grade or the equivalent (Sections 27-3 and 27-4 of ~~the~~The School Code). No student shall receive certification of graduation without passing a satisfactory examination upon ~~thesesueh~~ subjects.

(Source: Amended at 30 Ill. Reg. 16338, effective September 26, 2006)

SUBPART G: STAFF QUALIFICATIONS

Section 1.720 Requirements for Teachers of Middle Grades

- a) The requirements of this Section apply to teachers first employed after September 1, 1973, in departmentalized grades 5 through 8 ("middle-grade teachers"). Teachers first employed in grades 5 through 8 prior to September 1, 1973, or employed in non-departmentalized grades 5 through 8, are subject to the requirements of Section 1.710 of this Part. To qualify as a middle-grade teacher, the teacher must have either completed the coursework identified in subsection (a)(1) of this Section prior to July 1, 1997, or completed the coursework identified in subsection (a)(2) of this Section. The "major teaching assignment" is the subject taught for more time than any other subject. In mathematics and reading, and for library information specialists, there is specific coursework that must be

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included among the 18 semester hours to be earned; see subsections (a)(3), (4), and (5) of this Section. Further, new requirements for reading and library information specialists will apply to persons who apply for these endorsements on or after July 1, 2006, as well as to other persons who have not completed the 18-hour requirements prior to that date. See subsections (a)(4) and (5) of this Section.

- 1) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the State Board's rules for Certification (23 Ill. Adm. Code 25) applies. Where a teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (a)(1) for the major teaching assignment one area and have no fewer than 5 semester hours in each the other subject taught instructional area.
- 2) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the State Board's rules for Certification applies. Where a middle-grade teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (a)(2) for the major teaching assignment one area and have no fewer than 9 semester hours in each the other subject taught instructional area. In addition:
 - A) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes middle-grade philosophy, middle-grade curriculum and instruction, and instructional methods for designing and teaching developmentally appropriate programs (i.e., addressing the cognitive, emotional and physical development of each child) in the middle grades, including content area (e.g., science, social sciences) reading instruction.
 - B) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes educational psychology focusing on the developmental characteristics of early adolescents, the nature and

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needs of early adolescents, and the role of the middle-grade teacher in assessment, coordination and referral of students to health and social services.

- 3) For teachers of mathematics in grades 6 through 8 first employed on or after September 1, 1985, the required 18 semester hours in the field shall include three semester hours in the methods of teaching mathematics in those grades and 15 semester hours to be selected from four of the following areas:
 - A) Math content courses for elementary teachers;
 - B) Calculus;
 - C) Modern algebra or number theory;
 - D) Geometry;
 - E) Computer science;
 - F) Probability and statistics;
 - G) History of mathematics.
- 4) For major assignments in reading in any of departmentalized grades 5 through 8:
 - A) persons first employed on or after September 1, 1978, but before July 1, 2004, are required to have completed the 18 semester hours described in Section 1.740 of this Part;
 - B) persons first employed on or after July 1, 2004, shall be required to have completed either the 18 semester hours described in Section 1.740 of this Part or 18 semester hours in the field that include a practicum and address at least five of the six topics listed at 23 Ill. Adm. Code 25.100(i), provided that:
 - i) the individual completes all the required coursework on or before June 30, 2006; or

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- ii) the individual applies for the reading endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement; and
 - C) new requirements for an endorsement in this field apply to persons who have not met the requirements of either subsection (a)(4)(A) or (B) of this Section; see also 23 Ill. Adm. Code 25.100(i) and Section 1.745 of this Part.
- 5) Persons first employed on or after September 1, 1978, as media professionals or library information specialists serving any of grades 5 through 8 are required to have completed 18 semester hours in the field that address administration, organization (cataloging and classification), reference, and selection of materials, provided that the individual completes all the required coursework on or before June 30, 2006, or has applied for the endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement. New requirements for an endorsement in this field apply to persons who have not qualified on the basis of 18 semester hours; see also 23 Ill. Adm. Code 25.100 and Section 1.755 of this Part. The provisions of subsection (a)(2) of this Section notwithstanding, no individual who has completed only nine semester hours in the field may serve in this capacity unless assigned pursuant to 23 Ill. Adm. Code 25.464.
- b) Beginning July 1, 2004, no individual may be assigned to teach in departmentalized grades 5 through 8 unless he or she holds a certificate that is valid for the grade level or levels to be taught and:
 - 1) holds a middle-grades endorsement applicable to the subject area; or
 - 2) meets the relevant requirements of this Section; or
 - 3) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or
 - 4) is assigned pursuant to Section 1.745(b)(3) or 1.755(c) of this Part; or

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- 5) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

(Source: Amended at 30 Ill. Reg. 16338, effective September 26, 2006)

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- 1) Heading of the Part: Parental Participation Pilot Project
- 2) Code Citation: 23 Ill. Adm. Code 560
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
560.10	New Section
560.20	New Section
560.30	New Section
560.40	New Section
560.50	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.137
- 5) Effective Date of Rules: September 26, 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 rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8043
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: Section 560.10 was made somewhat more specific as regards the scope and nature of the program covered by these rules.
- 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 other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rules: This rulemaking responds to Public Act 94-507 (2005), which created the Parental Participation Pilot Project as a four-year grant program designed to help the "lowest-performing" districts improve their performance through activities that stimulate or rely on parental participation. The law specifies that four

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districts be selected to participate in the project, of which one must be the City of Chicago District #299. Each of the other three will be chosen out of a separate group made up, respectively, of districts in Cook County outside the city; districts in the "collar" counties of DuPage, Kane, Lake, McHenry, and Will; and districts in the remainder of the state.

Since there will be only one grantee from each of the geographic areas, the approach we have chosen is to limit eligibility to those districts ranked in the bottom 20 within their respective areas of the state in terms of their performance on the State assessment. A set of criteria for the ranking of proposals is also needed as part of these rules.

The law calls for the development of a plan for each district's project by a specially appointed parental participation committee, so potential applicants need to know the amount grantees will receive before they take all the preparatory steps required. We, therefore, determined that the appropriation should be divided equally among the four grantees. They may expend the funds for activities in one or more schools, at their option and according to their approved plans, which will largely be used as their grant applications as well.

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

Myron Mason
Federal Grants and Programs
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/524-4832

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 560

PARENTAL PARTICIPATION PILOT PROJECT

Section

560.10	Purpose and Applicability
560.20	Eligible Applicants
560.30	Application Procedure; Plan
560.40	Criteria for the Review of Initial Proposals
560.50	Allocation of Funds

AUTHORITY: Implementing and authorized by Section 2-3.137 of the School Code [105 ILCS 5/2-3.137].

SOURCE: Adopted at 30 Ill. Reg. 16359, effective September 26, 2006.

Section 560.10 Purpose and Applicability

This Part establishes the application procedure and criteria for selection by the State Board of Education of the four districts that will participate in the parental participation pilot program established under Section 2-3.137 of the School Code [105 ILCS 5/2-3.137]. The provisions of this Part apply only to applicants for grants pursuant to that Section.

Section 560.20 Eligible Applicants

Eligible applicants shall be the City of Chicago School District 299 and the 20 lowest-performing school districts within each of the geographic areas identified in Section 2-3.137(d) of the School Code, ranked according to the percentage of all the scores attained by students on most recent administration of the State assessment for which data are available that were classified as demonstrating proficiency (see 23 Ill. Adm. Code 1.30). Public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)] and charter schools shall also be eligible to apply if their performance is within the range of the 20 lowest-performing districts for their respective geographic areas; see 105 ILCS 5/2-3.109a and 27A-11.5, respectively.

Section 560.30 Application Procedure; Plan

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- a) When State funding is available for the Parental Participation Pilot Project, the State Superintendent of Education shall issue a Request for Proposals (RFP) in order to solicit applications from eligible entities. As used in this Part, a "proposal" or "application" means an academic improvement plan developed in accordance with Section 2-3.137 of the School Code, accompanied by the additional materials applicants will be required to submit in response to the RFP, as described in this Section. For purposes of this Part an "academic improvement plan" means the plan of work for the specific project for which State funding is sought.
- b) The RFP shall describe the format that applicants will be required to follow and any additional information they may be required to submit.
- c) The RFP shall indicate the amount or expected amount of the appropriation for the program and the expected amount of each grant under this Part, which shall be equal to one-fourth of the total appropriation.
- d) The RFP shall include a budget summary and payment schedule, as well as a narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure that discusses the need for State funds in the context of the applicant's other available resources.
- e) The RFP shall identify the data recipients will be required to collect and report regarding the activities conducted under the pilot project and the results of those activities, as well as the timelines for reporting.
- f) The RFP shall include such certification and assurance forms as the State Superintendent may, by law, require.
- g) The RFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 45 days to respond.
- h) Separate proposals shall be required for renewal of funding during the remaining term of the pilot project (see Section 2-3.137(b) of the School Code). Each proposal for renewal shall include at least:
 - 1) a description of activities undertaken during the year just concluded, demonstrating that the project has been implemented in conformance with the approved plan and proposal;

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- 2) the information called for in Section 2-3.137(f) of the School Code;
 - 3) an updated project narrative that discusses the services and materials for which funding is requested and a rationale for the activities to be undertaken; and
 - 4) an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown.
- i) Incomplete proposals will not be considered.

Section 560.40 Criteria for the Review of Initial Proposals

- a) Applications for initial funding shall be evaluated in accordance with the following criteria:
- 1) Need for the Project; Quality of the Plan (70 points)
 - A) The proposal demonstrates that one or more of the elements of need discussed in Section 2-3.137(d)(1) of the School Code are applicable to the schools to be served by the project.
 - B) The proposal demonstrates that the activities proposed as part of its pilot project are consistent with the parental involvement activities set forth in any approved district or school improvement plan.
 - C) The proposal demonstrates that other sources of funding are limited to such an extent that the applicant is unable to conduct the proposed activities without funding under this Part.
 - D) The proposed activities are designed to increase parental participation in the affected school or schools, and the proposal demonstrates that the activities were chosen in response to the needs and characteristics of the families to be served.
 - E) The proposal indicates how the intended activities are expected to result in one or more of the possible effects described in Section 2-3.137(f) of the School Code.

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- F) The scope of the proposed activities is reasonable in light of the amount of funding to be provided, and the project will be cost-effective considering the number of students and parents to be involved.
- 2) Evaluation Plan (30 points)
 - A) From among the possible effects described in Section 2-3.137(f) of the School Code, the proposal identifies one or more areas of improvement to be targeted by the project.
 - B) The proposal identifies specific data and other types of information that will be gathered systematically over the course of the project to determine whether the intended improvements are occurring and to gauge the project's impact.
- b) Proposals shall be grouped according to the geographic areas delineated in Section 2-3.137(d) of the School Code, and each proposal shall be ranked only in comparison to proposals from other eligible entities within its respective group.

Section 560.50 Allocation of Funds

- a) The State Superintendent of Education shall approve initial applications for funding and make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative.
- b) In accordance with Section 2-3.137(b) of the School Code, it is the intention of the State Board of Education to approve funding for four projects under this Part for a four-year period. Funding for the second, third, and fourth years shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved academic improvement plans and grant agreements.
- c) Only the four grantees originally selected shall be eligible for funding in the second, third, and fourth years of the project. If one or more of these grantees does not submit an approvable application for continued funding, the amount appropriated for the year in question and any subsequent years shall be divided evenly among the remaining eligible grantees.

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- 1) Heading of the Part: Class Size Reduction Grants
- 2) Code Citation: 23 Ill. Adm. Code 565
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
565.10	New Section
565.20	New Section
565.30	New Section
565.40	New Section
565.50	New Section
565.60	New Section
565.110	New Section
565.120	New Section
565.130	New Section
565.140	New Section
565.150	New Section
565.160	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.136
- 5) Effective Date of Rules: September 26, 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 rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: June 2, 2006; 30 Ill. Reg. 9972
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rules: This rulemaking responds to Public Act 93-814 (2004), which established the K-3 class size reduction grant program, and to Public Act 94-894, which was enacted this year and created a class size reduction pilot project for the same grade levels.

Eligibility for the class size reduction grants discussed in Subpart A of these new rules is limited under the law to districts with schools in academic early warning or academic watch status. The law permits use of these grants to fund either costs associated with extra teachers and classrooms or costs related to the addition of paraprofessionals into existing classrooms in cases where facilities are inadequate to allow for an average class size of 20 or lower. The rules describe two possible approaches to the intended three-year grant cycle and set out the application process and criteria for the review of proposals.

The rules also include a Subpart B that addresses an initiative that will defray costs associated with class sizes of 15 or lower. In this case, the addition of paraprofessionals is not an allowable use of grant funds and only additional classrooms can be supported. At this time, only the portion of the program described in Subpart B has received funding.

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

Dana Kinley
Curriculum and Instruction Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/557-7323

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 565

CLASS SIZE REDUCTION GRANTS

SUBPART A: K-3 CLASS SIZE REDUCTION GRANTS

Section

565.10	Purpose and Applicability
565.20	Eligible Applicants
565.30	Program Specifications
565.40	Application Procedure
565.50	Criteria for the Review of Initial Proposals
565.60	Allocation of Funds

SUBPART B: K-3 CLASS SIZE REDUCTION PILOT PROGRAM

Section

565.110	Purpose and Applicability
565.120	Eligible Applicants
565.130	Program Specifications
565.140	Application Procedure
565.150	Criteria for the Review of Initial Proposals
565.160	Allocation of Funds

AUTHORITY: Implementing and authorized by Section 2-3.136 of the School Code [105 ILCS 5/2-3.136].

SOURCE: Adopted at 30 Ill. Reg. 16365, effective September 26, 2006.

SUBPART A: K-3 CLASS SIZE REDUCTION GRANTS

Section 565.10 Purpose and Applicability

This Subpart A establishes the application procedure and criteria for selection by the State Board of Education of the districts that will receive grant funds under the K-3 class size reduction program established pursuant to Section 2-3.136(a) of the School Code [105 ILCS 5/2-3.136(a)].

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Section 565.20 Eligible Applicants

Eligible applicants shall be school districts in which one or more schools that maintain kindergarten or any of Grades 1 through 3 are in Academic Early Warning or Academic Watch status under Section 2-3.25d of the School Code [105 ILCS 5/2-3.25d]. Public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)] that maintain these grades and are in either status and charter schools that maintain these grades and are in either status shall also be eligible to apply; see 105 ILCS 5/2-3.109a and 27A-11.5, respectively. Only kindergarten and Grades 1 through 3 in schools that are in Academic Early Warning or Academic Watch status ("eligible schools") shall be served with grant funds provided under this Subpart. An applicant chosen for funding shall not subsequently lose eligibility due solely to improvement in the status of the schools served.

Section 565.30 Program Specifications

It is the intention of the State Board of Education to approve funding for projects under this Part for a three-year period. Two separate approaches to class size reduction shall be considered. Each applicant may propose either:

- a) serving the same grade levels within the same schools during each year for which funding is received; or
- b) following the same cohort of students from kindergarten through the second grade or from the first grade through the third grade during the three years of the grant.

Section 565.40 Application Procedure

For purposes of this Subpart, the terms "proposal" and "application" shall have the same meaning.

- a) When State funding is available for grants under this Subpart, the State Superintendent of Education shall issue a Request for Proposals (RFP) in order to solicit applications from eligible entities.
- b) The RFP shall describe the format that applicants will be required to follow and the information they will be required to submit, including identification of the specific schools that will be served throughout the grant period, the grades chosen for class size reduction, and the rationale for these choices.

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- c) The RFP shall indicate the amount or expected amount of the appropriation for the program and shall describe the allowable expenditures and the basis for awarding grants.
- d) The RFP shall include a budget summary and payment schedule as well as a narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure.
- e) The RFP shall identify the data recipients will be required to collect and report regarding the activities conducted with grant funds and the results of those activities, as well as the timelines for reporting.
- f) The RFP shall include certification and assurance forms that the State Superintendent may, by law, require.
- g) The RFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 30 days to respond.
- h) Separate applications shall be required for renewal of grant funding. Each application for renewal shall include at least:
 - 1) a description of expenditures and activities during the year just concluded, demonstrating that the project has been implemented in conformance with the approved grant agreement and that the recipient continues to exhibit need for grant funds for this purpose; and
 - 2) an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown.
- i) Incomplete proposals shall not be considered.

Section 565.50 Criteria for the Review of Initial Applications

- a) Applications for initial funding shall be evaluated in accordance with the following criteria:
 - 1) The proposal demonstrates that the average class size within the chosen grades exceeds 20 pupils and presents data related to student enrollment,

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achievement, and progress and an analysis of those data that justifies the approach selected and the choice of grade levels to be served. (70 points)

- 2) The proposal demonstrates either that the available facilities in the schools to be served can accommodate the number of additional classrooms for which teachers will be employed or that space for new classes is not available, as applicable. The number of certified teachers or paraprofessionals to be employed with grant funds is reasonable in relation to the number of students affected in the grades to be served. (15 points)
- 3) The proposal demonstrates that the equipment, supplies, instructional materials, or other resources requested are necessary for the support of the additional classrooms planned or the activities of the paraprofessionals to be assigned, and the grant request reflects a reasonable local contribution toward outfitting of any new classrooms. (15 points)

Section 565.60 Allocation of Funds

- a) The State Superintendent of Education shall approve initial applications for funding and make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative, the amounts necessary to fund the top-ranked proposals, and the need to distribute the benefits of class size reduction on a statewide basis.
- b) It is the intention of the State Board of Education to approve funding for projects under this Part for a three-year period. Funding for the second and third years shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved grant agreements and that the recipients continue to need additional State resources in order to maintain average class sizes below 20 within the designated grades.
- c) A district that has received three years' funding under this Subpart A may subsequently apply as a new applicant.

SUBPART B: K-3 CLASS SIZE REDUCTION PILOT PROGRAM

Section 565.110 Purpose and Applicability

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This Subpart B establishes the application procedure and criteria for selection by the State Board of Education of the districts that will receive grant funds under the K-3 class size reduction pilot program established pursuant to Section 2-3.136(b) of the School Code [105 ILCS 5/2-3.136(b)].

Section 565.120 Eligible Applicants

Eligible applicants for grants under this Subpart B shall be those identified in Section 565.20 of this Part, and only kindergarten and Grades 1 through 3 in eligible schools shall be served with grant funds provided under this Subpart.

Section 565.130 Program Specifications

The provisions of Section 565.30 of this Part shall apply to grants under this Subpart B.

Section 565.140 Application Procedure

The provisions of Section 565.40 of this Part shall apply to grants under this Subpart B.

Section 565.150 Criteria for the Review of Initial Applications

- a) Applications for initial funding shall be evaluated in accordance with the following criteria:
 - 1) Rationale and Cost-Effectiveness (50 points)
 - A) The proposal demonstrates that the available facilities in the schools to be served can accommodate the number of additional classrooms for which teachers will be employed.
 - B) The number of certified teachers to be employed with grant funds is reasonable in relation to the number of students affected in the grades to be served, and the applicant has chosen one or more grades with the greatest need for class size reduction.
 - C) The proposal demonstrates that the equipment, supplies, instructional materials, or other resources requested are necessary for the support of the additional classrooms planned, and the grant request reflects a reasonable local contribution toward outfitting of any new classrooms.

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- 2) Evaluation Plan (30 points)
The applicant proposes to collect and report information on the performance of the students in the classrooms served that will add to an understanding of the effects of class sizes of 15 or lower when compared to class sizes between 15 and 20 and when compared to class sizes above 20.
- 3) Need (20 points)
 - A) The proposal demonstrates that the average class size within the chosen grades exceeds 15 pupils and that students' performance may be improved through a reduction in class size.
 - B) The proposal demonstrates that other sources of funding are limited to such an extent that the applicant is unable to employ additional certified staff in the chosen grades.

Section 565.160 Allocation of Funds

- a) The State Superintendent of Education shall approve initial applications for funding and make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative, the amounts necessary to fund the top-ranked proposals, and the need to distribute the benefits of class size reduction on a statewide basis. It is expected that approximately one-third of the funding available for programs under this Subpart B will be allocated within the City of Chicago, one-third within the balance of Cook County and the counties of DuPage, Kane, Lake, McHenry, and Will, and one-third within the remainder of the State.
- b) It is the intention of the State Board of Education to approve funding for projects under this Part for a three-year period. Funding for the second and third years shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved grant agreements and that the recipients continue to need additional State resources in order to maintain average class sizes of 15 or lower within the designated grades.
- c) A district that has received three years' funding under this Subpart B may subsequently apply as a new applicant.

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- 1) Heading of the Part: Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration
- 2) Code Citation: 44 Ill. Adm. Code 650
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
650.20	Amend
650.30	Amend
650.40	Amend
650.50	Amend
650.90	Amend
650.100	Amend
650.110	Amend
650.170	Amend
650.180	Amend
650.190	Amend
650.240	Amend
650.260	Amend
650.270	Amend
650.300	Amend
650.340	Amend
650.370	Amend
650.APPENDIX A	Amend
- 4) Statutory Authority: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]
- 5) Effective Date of Amendments: October 10, 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 Office of Chief Counsel and the Division of Highways and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 2, 2006; 30 Ill. Reg. 9991

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- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various grammatical and nonsubstantive technical changes were made throughout the Part. In addition, the following changes were made:

At Section 650.40(d), the Department added the following new language:

- "d) Submission of a completed application before the cut-off dates is the sole responsibility of the applicant. Cut-off dates are established based on the date of the letting and whether the applicant is a first-time applicant or an applicant seeking to renew its prequalification ratings (see Section 650.50(a) and (b) for additional information). A schedule of cut-off dates is available at www.dot.il.gov/desenv/letsched.html."

At Section 650.110(a)(7), the Department changed "subject to statutory suspension or debarment" to "suspended or debarred".

- 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: This Part is the primary means by which the Illinois Department of Transportation (the Department) determines the responsibility of bidders on competitively bid contracts to undertake and complete the work to be accomplished. By this rulemaking, the Department has amended Part 650 to revise and update provisions to reflect current practice, to address poor contractor performance, to increase competition, and to potentially increase the number of prequalified small businesses. Among the significant changes:

At Section 650.40(a), Application Requirements, the Department's web address (www.dot.il.gov) has been provided for electronic access to the application for prequalification.

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At Section 650.50, Time for Submission, the Department clarified application provisions with respect to cut-off dates for the first time applicant as well as for those with existing prequalification ratings who seek to renew their ratings.

At Section 650.90, Effective Date of Ratings, the Department clarified that the date the Certificate of Eligibility becomes effective depends in part on whether the applicant is a new applicant or a renewal applicant seeking to renew its existing ratings.

At Section 650.100, Expiration Date of Ratings, the rule was amended to provide that a renewal notice will be mailed to the prequalified contractor four months prior to the expiration date of the Certificate of Eligibility. The notice will state that forms for renewal are available through the Department's web site.

At Section 650.110, Denial or Revocation of Ratings, the Department added two new provisions to the listing of reasons or events that will result in a finding of nonresponsibility. The first concerns notification to the Department by the applicant when the applicant has been suspended or debarred by operation of Section 25 of the Procurement of Domestic Products Act [30 ILCS 517/25]. The second is a clarification that a finding of nonresponsibility will result when the applicant is not eligible for prequalification. The Department also amended a provision to clarify that a finding of nonresponsibility will occur for a violation of any provision of the Illinois Procurement Code [30 ILCS 500].

At Section 650.170, Financial Statement, the Department revised provisions concerning a financial rating in an unaudited status by limiting the rating to no more than \$500,000 when a balance sheet is prepared by the applicant, and, by increasing a financial rating from \$500,000 to \$1,500,000 when the applicant submits a reviewed or compiled balance sheet that has been prepared by an accountant. The Department also eliminated a provision concerning the limitation on the awarding of more than \$600,000 in contracts during a twelve-month period to any firm with an unaudited financial status. These changes will encourage growth in the smaller firms.

At Section 650.180, Balance Sheet Schedules, the Department added a provision concerning equipment appraisals. The Department will discount appraisals by 20% that include only Fair Market Values when calculating a contractor's financial rating since the values may be inflated. This will help ensure that financially responsible contractors are bidding on Department projects.

At Section 650.240, Performance Factor (PF), the Department added a new category to its evaluation criteria concerning the overall execution of work. The new category is: the

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contractor's ability to meet the quality control/quality assurance (QC/QA) plan established by contract for materials production/construction quality control. This will provide the Department with a mechanism to evaluate a contractor based on conformance with the contractor's established quality control plan. Additionally, the Department added a new QC/QA performance scale to cover this new category of evaluation. Finally, the Department added a new provision that allows the Department to revoke a contractor's work rating when the contractor receives a quality of work rating of 2 for any work category being evaluated.

At Section 650.260, Equipment Factor (EqF), the Department eliminated the equipment ownership and long-term lease requirements for work ratings calculated by the secondary formula unless specialized equipment is required to perform the work. This change will apply to approximately 35 work categories that are calculated by the secondary formula (See Section 650.Appendix A.) Additionally, the Department eliminated the equipment requirements for the work ratings calculated by the primary or advance formula except for categories that require a plant. Categories that require a plant are 2-PPC Paving, 3-Bituminous Plant Mix and 4-Bituminous Aggregate Mixture (See Section 650.Appendix A.). These changes will increase competition and encourage growth in the smaller firms.

At Section 650.340, Joint Ventures, the Department revised this Section to provide that contractors whose financial ratings are based upon unaudited financial statements will not be permitted to joint venture with each other to bid contracts that exceed \$500,000 or \$1,500,000 depending on the contractor's unaudited status.

At Section 650.Appendix A, Available Work Categories, the Department created one Pavement Marking Category at work category 27 (see Appendix A) to include Paint, Thermoplastic, Epoxy and Polyurea. This will allow contractors doing polyurea marking to become prequalified.

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

Mr. Michael Copp, Prequalification Engineer
Illinois Department of Transportation Division of Highways 217/782-3413
2300 South Dirksen Parkway, Room 322
Springfield, Illinois 62764

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

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 650

PREQUALIFICATION OF CONTRACTORS, AUTHORIZATION TO BID, AND
SUBCONTRACTOR REGISTRATION AND
ISSUANCE OF PLANS AND PROPOSALS

SUBPART A: PREQUALIFICATION

Section	
650.10	Purpose
650.20	Definitions
650.30	Introduction to Prequalification
650.40	Application Requirements
650.50	Time for Submission
650.60	Public Disclosure of Contractor Information
650.70	Waiver of Prequalification and Additional Responsibility Considerations
650.80	Issuance and Effect of Ratings
650.90	Effective Date of Ratings
650.100	Expiration Date of Ratings
650.110	Denial or Revocation of Ratings
650.120	Extension of Ratings
650.130	Revisions to Prequalification Ratings
650.140	Transfer of Prequalification Ratings
650.150	Reconsideration and Appeal
650.160	Financial Rating – General
650.170	Financial Statement
650.180	Balance Sheet Schedules
650.190	Other Factors Considered in Determining Financial Ratings
650.200	Methods of Improving a Financial Rating
650.210	Computation of Financial Rating
650.220	Work Rating – General
650.230	Determination of Work Ratings
650.240	Performance Factor (PF)
650.250	Experience Factor (EF)
650.260	Equipment Factor (EqF)
650.270	Capacity to Perform (CP)

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650.280 Calculation of Work Ratings

SUBPART B: ~~AUTHORIZATION TO BID~~ ~~ISSUANCE OF PLANS AND PROPOSALS~~

Section

650.290 Advertising for Bids
650.300 Request for ~~Authorization to Bid or Not for Bid Status~~ ~~Proposal Forms and Plans;~~
~~Authorization to Bid~~
650.310 Affidavit of Availability
650.315 Disclosure of Other Procurement Relationships
650.320 Analyzing Requests for Authorization to Bid
650.330 Issuance of Authorization to Bid
650.340 Joint Ventures
650.350 Denial of Authorization to Bid

SUBPART C: SUBCONTRACTOR REGISTRATION

Section

650.360 Purpose
650.370 Registration of Subcontractors
650.380 Eligibility to Quote or Perform Subcontract Work

650.APPENDIX A AVAILABLE WORK CATEGORIES
650.APPENDIX B REQUEST FOR EXTENSION OF PREQUALIFICATION RATINGS
650.APPENDIX C FINANCIAL PLEDGE LETTERS (Repealed)
650.APPENDIX D FINANCIAL VERIFICATION LETTER
650.APPENDIX E CORPORATE RESOLUTION (Repealed)

AUTHORITY: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].

SOURCE: Adopted at 18 Ill. Reg. 9478, effective July 2, 1994; amended at 21 Ill. Reg. 11238, effective July 29, 1997; amended at 22 Ill. Reg. 20393, effective November 4, 1998; amended at 24 Ill. Reg. 18775, effective December 7, 2000; amended at 30 Ill. Reg. 16373, effective October 10, 2006.

SUBPART A: PREQUALIFICATION

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Section 650.20 Definitions

"Affidavit of Availability" – A sworn affidavit indicating all work under contract, pending awards, all subcontracts and value of subcontracts.

"Affiliate" – A member of a group of two or more companies related to one another through common ownership, common management, common control or the power to exercise common control. Two corporations are affiliated when one owns less than a majority of the voting stock of the other, or when both are subsidiaries of a third corporation.

"Applicant" – Any prospective contractor who has applied for prequalification in compliance with the procedures delineated in this Part. "Applicant" may be used interchangeably with "Contractor" throughout this Part.

"Application for Prequalification" – A package of forms titled "[Application for Prequalification, Statement of Experience, Equipment and Financial Condition](#)~~Contractor's Statement of Experience and Financial Condition~~" (Form BC-8) required to be submitted by an applicant in support of its request for a determination of responsibility and a prequalification rating.

"Authorization to Bid" – The permission given to a contractor to submit a bid on a given Department letting item and the permission to have that bid read.

"Available Bidding Capacity" - The applicable available work ratings and the available financial rating.

"Available Financial Rating" – Financial rating as indicated on the Certificate of Eligibility less the total value of all uncompleted work to be done with the applicant's own forces and work subcontracted to others.

"Available Work Rating" – The work rating in a particular category as indicated on the Certificate of Eligibility less all similar uncompleted work to be done with the applicant's own forces (for a listing of available work categories, see Appendix A of this Part).

"Certificate of Appraiser" – The certification by an appraiser that the appraisal is performed with no direct or indirect interest, financial or otherwise, in the business of the applicant.

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"Certificate of Eligibility" – A certificate issued to the applicant by the Department indicating the applicant's financial rating, work ratings and the effective period of prequalification.

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Combining Financial Statement" – A comprehensive financial statement that presents the assets, liabilities, net worth, and operating figures of two or more affiliated companies. The statement presents each affiliate's financial data in separate, adjacent columns and a total column for the combined affiliate data.

"Consolidated Financial Statement" – A financial statement that presents the assets, liabilities, and operating accounts of a parent company and its subsidiaries.

"Contract" – The written agreement between the Department and the contractor setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment. The contract consists of the invitation for bids, the proposal, the letter of award, the contract form and contract bond, any specifications and supplemental specifications, any special provisions, any general and detailed plans, and all agreements that are required to complete the construction of the work, including contract time - all of which constitute one instrument.

"Contractor" – The individual, partnership, corporation or other business entity recognized by law contracting with the Department for performance of prescribed work. An applicant which has been issued a Certificate of Eligibility.

"Contractor" may be used interchangeably with "Applicant" throughout this Part.

"Department" – The Illinois Department of Transportation.

"Department of Human Rights Identification Number" – A number assigned to an applicant who has prequalified with the Department of Human Rights.

"Director" – The Director of the Division of Highways or the Director's designee.

~~"District Engineer" – The engineer in charge of one of the nine districts of the Department in which the work of a contract is located.~~

"Engineer of Construction" – The individual responsible for directing the

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development of the Department's highway construction policies which assure uniform practices, interpretation and applications in Illinois.

"Financial Rating" – The measured ability of an applicant to sustain adequate cash flow for the duration of an awarded contract based on the submitted application for prequalification.

"Financial Statement" – A presentation of financial data, including accompanying notes, derived from accounting records that are intended to show an applicant's economic resources and obligations at a point in time or the changes therein for a period of time in conformity with a comprehensive basis of accounting.

"Joint Venture" – Two or three contractors combining their available financial and work ratings for the purpose of bidding a construction project.

"Letter of Subordination" – A signed statement from a stockholder, officer, director, employee, parent, subsidiary or affiliate agreeing not to withdraw a specific amount of money loaned to the applicant during the period of prequalification.

"Net Worth" – Total assets minus total liabilities.

"Parent" – A corporation that owns or controls subsidiary companies through the ownership of voting stock. A parent corporation is usually an operating company in its own right. Where the parent has no business of its own, the term "holding company" may apply.

"Prequalification" – The rating process established by the Department ~~that~~ which requires all prospective bidders to obtain a Certificate of Eligibility prior to being considered for issuance of bidding proposal forms and plans for any contract awarded by the Department, as well as contracts awarded by local agencies requiring approval of award by the Department.

"Prequalification Section" – The section within the Bureau of Construction of the Department responsible for determining responsibility, financial ratings, work ratings, and the issuance of bidding proposals.

"Request for Authorization to Bid or Not for Bid Status ~~Proposal Forms and Plans and Request for Authorization to Bid~~" – A form provided by the Department to assist a contractor in making a formal request for plans and proposals on CD-

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~~ROM proposal forms~~, and subsequent authorization to bid on ~~the one or all of the proposals~~ requested items.

"Responsibility" – The capability in all respects to perform fully the requirements of an awarded contract, and the integrity and reliability that will assure good faith performance.

"Specialty Items" – Items that are designated in the contract documents that are considered to require specialized construction techniques that are not ordinarily available in contracting organizations qualified to bid.

"Standard Specifications" – A Department publication entitled Standard Specifications for Road and Bridge Construction that sets forth the contract provisions for road and bridge construction.

"Subsidiary" – A corporation having more than 50% of the voting stock owned by another corporation called the "parent".

"Transportation Bulletin" – The public document ~~that~~which is the official publication and invitation issued by the Department for bids on construction projects.

"Working Capital" – Current assets less applied discounts and current liabilities.

"Work Rating" – The dollar value of work of a particular category of construction that an applicant can perform with his/her organization and equipment in one construction season.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.30 Introduction to Prequalification

- a) As required by this Part, each contractor shall be prequalified prior to being considered for issuance of an Authorization to Bid on contracts advertised by the Department.
- b) Except as otherwise provided in Section 650.70 of this Part, in order to become prequalified, an applicant shall submit an application for prequalification using forms furnished by the Department.

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- c) Upon receipt of a completed application, the Prequalification Section evaluates the information, determines the responsibility of the applicant and calculates a prequalification rating for the applicant.
- d) The prequalification rating is a combination of two subratings: the financial rating and the work rating. The policies and procedures used by the Prequalification Section to determine these two subratings are delineated in this Subpart.
- e) After the Prequalification Section determines the applicant to be responsible and calculates the applicant's prequalification ratings, the applicant is issued a Certificate of Eligibility. This certificate permits the applicant, now a prequalified contractor, to make application for Authorization to Bid on contracts within the contractor's available bidding capacity in accordance with Subpart B of this Part.
- f) Pursuant to the Code, an applicant must also be prequalified or submit evidence of application with the Illinois Department of Human Rights (IDHR) prior to obtaining Authorization to Bid on contracts which are subject to the competitive bidding requirements of the Code. Information and forms concerning the rules of IDHR may be obtained from:

Illinois Department of Human Rights
Public Contracts Division
100 West Randolph – Suite 10-100
Chicago, Illinois 60601
(312) 814-~~2432~~24321

- g) Pursuant to Section 13.05 of the Business Corporation Act of 1983 [805 ILCS 5/13.05], out-of-state contractors are required to secure a certificate from the Illinois Secretary of State authorizing them to do business in Illinois. In addition, out-of-state prequalified contractors are required to staff and maintain an office located within the geographic boundaries of the State of Illinois. The in-state office will be the primary office at which all business with the Department will be conducted. The certificate must be obtained prior to the execution of a contract. Application forms can be obtained from:

Illinois Secretary of State
Corporation Division
~~Howlett~~Centennial Building
~~3rd~~4th Floor

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Springfield, Illinois 62756
(217) 782-1834

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.40 Application Requirements

- a) ~~The application for prequalification is available on the Department's internet home page at www.dot.il.gov or by writing or calling. The Department shall furnish an application for prequalification to all prospective contractors who request such material. Requests shall be made by letter or telephone to:~~

Illinois Department of Transportation
Bureau of Construction, Prequalification Section
2300 South Dirksen Parkway, Room 322
Springfield, Illinois 62764
(217) 782-~~34136667~~

- b) An application for prequalification shall be **complete and** submitted on the form furnished by the Department and in accordance with this Part.
- c) An application for prequalification shall consist of the following information:
- 1) The applicant's name, address, telephone number and telefax number;
 - 2) The applicant's Federal Employer's Identification Number (F.E.I.N.) or social security number if the applicant does not have a F.E.I.N.;
 - 3) The applicant's Illinois Department of Human Rights Identification Number and registration expiration date;
 - 4) The applicant's completed Statement of Experience and Financial Condition;
 - 5) All other information required by this Part or requested by the Prequalification Section.

- d) Submission of a completed application before the cut-off dates is the sole responsibility of the applicant. Cut-off dates are established based on the date of the letting and whether the applicant is a first-time applicant or an applicant

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[seeking to renew its prequalification ratings \(see Section 650.50\(a\) and \(b\) for additional information\). A schedule of cut-off dates is available at \[www.dot.il.gov/desenv/letsched.html\]\(http://www.dot.il.gov/desenv/letsched.html\).](#)

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.50 Time for Submission

- a) ~~An applicant seeking to be prequalified with the Department for the first time must submit a complete~~~~The Department's Prequalification Section must receive the completed~~ application for prequalification no later than 4:30 p.m. prevailing time no later than twenty-one days prior to the scheduled date of the letting for which the applicant desires to bid. If the day of receipt falls on a weekend or a holiday, the following work day will determine the cut-off. The Department gives public notice of the letting dates and cut-off dates in the Transportation Bulletin. The Prequalification Section will make its determination at least three days prior to the relevant letting date. ~~Additional information to amend current prequalification ratings is also subject to the above submission requirements~~
- b) An applicant seeking to renew its prequalification ratings with the Department must submit a complete renewal application prior to the expiration of the applicant's existing prequalification ratings (see Section 650.100 for additional information).
- ~~cb~~) If additional projects are advertised for a letting through the issuance of a supplemental bulletin, the day of receipt for application forms or additional information is seven days after the date of issuance of the supplemental bulletin to submit bids on those projects advertised in the supplemental bulletin.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.90 Effective Date of Ratings

The effective date of a Certificate of Eligibility shall be the date on which the ratings are determined and approved unless, for a new applicant, the application or additional information is received during the prequalification cut-off period (see Section 650.50(a) of this Part) in advance of a letting. For a renewal applicant, the effective date of a Certificate of Eligibility shall be the date on which the ratings are determined and approved unless the application or additional information is received after the authorization to bid cut-off date (see Section 650.330(b) of this Part) in advance of a letting. In ~~these instances~~~~that instance~~, the effective date shall be the day

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following the letting or the date on which the ratings are determined and approved, whichever is later.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.100 Expiration Date of Ratings

All prequalification ratings issued by the Department will expire sixteen months from the date of the financial statement (balance sheet). The expiration date of current ratings will be shown on the Certificate of Eligibility issued to the contractor. Four months prior to the expiration date of the Certificate of Eligibility, the Department will mail ~~a renewal notice~~~~application forms~~ to the prequalified contractor ~~stating that all required forms can be acquired at www.dot.il.gov for its use~~ if it intends to submit a renewal application in accordance with Section 650.50 of this Part. ~~The provisions of this Part shall apply to all current prequalification ratings issued before the adoption of this Part.~~

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.110 Denial or Revocation of Ratings

- a) Prequalification ratings will be denied, or previously issued ratings will be revoked, in the event the Department finds the applicant or contractor to be nonresponsible. Reasons or events for a finding of nonresponsibility include but are not limited to the following. The Department shall be notified by the applicant or prequalified contractor of any information known to them which is relevant to any of the following reasons:
- 1) the applicant failed to provide complete information regarding each item and schedule set forth in the application for prequalification or otherwise requested by the Department;
 - 2) the applicant provided false information regarding the application;
 - 3) the applicant is suspended pursuant to Sections 20-75 and 50-65 of the Illinois Procurement Code [30 ILCS 500/20-75 and 50-65] by the Department or another State agency;
 - 4) the applicant is suspended or debarred by the United States through a federal agency;

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- 5) the applicant is suspended by the Department of Labor pursuant to Section 11a of the Prevailing Wage Act [820 ILCS 130/11a];
- 6) the applicant is suspended or debarred because of bid rigging or bid rotating convictions pursuant to the provisions of Article 33E of the Criminal Code of 1961 [720 ILCS 5/Art. 33E];
- 7) the applicant is ~~suspended or debarred pursuant to the debarred by the operation of the antibribery provisions of the Illinois Procurement Code [30 ILCS 500]Section 50-5 of the Code [30 ILCS 500/50-5];~~
- ~~8) the applicant is suspended by operation of the antifelony conviction provisions of Section 50-10 of the Code [30 ILCS 500/50-10];~~
- ~~89) the applicant is suspended or debarred pursuant to the operation of Section 6 of the Drug Free Workplace Act [30 ILCS 580/6];~~
- ~~910) the applicant is an individual and debarred by operation of the Educational Loan Default Act [5 ILCS 385];~~
- ~~1011) the applicant is suspended or debarred by operation of Section 25 of the Procurement of Domestic Products Act [30 ILCS 517/25]the applicant is prequalified in an unaudited status and is awarded \$600,000 in transportation contracts during a twelve month period;~~
- ~~1112) the applicant is not eligible pursuant to, or has failed to comply with, the requirements of this Part;~~
- ~~1213) the applicant has filed for protection from creditors pursuant to the bankruptcy laws of the United States;~~
- ~~1314) the applicant's performance evaluation is at or below the levels provided in Section 650.240(e) and (f) of this Part;~~
- ~~1415) the applicant has failed to execute a contract after award, has been declared in default or has otherwise substantially breached its obligations on any contract or contracts awarded or approved for award by the Department; or~~
- ~~1516) the applicant has been convicted for the violation of any State or federal~~

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law having relevance to the integrity and reliability of the applicant.

- b) If an application is denied or prequalification is revoked by the Department, the applicant shall be sent a notice of denial or revocation in lieu of a Certificate of Eligibility setting forth the reason or reasons for denial or revocation.
- c) A denial or revocation will apply to the applicant or contractor named therein and to any parent, subsidiaries, affiliates or later created, established, formed or reorganized companies, firms or entities having substantially the same ownership, beneficiaries, management or control as the denied or revoked applicant or contractor. Application of the scope of a denial or revocation will be construed broadly by the Department for the express purpose of preventing the circumvention of the decisions of the Department by the means of creating new applicants for prequalification.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.170 Financial Statement

An applicant may obtain a financial rating in either an audited or unaudited status. Audited financial information provides the Prequalification Section with reliable information, whereas unaudited financial information is subject to certain restrictions as provided for in subsection (c) of this Section.

- a) **Audited Status**
The Department will require all applicants seeking an audited status to adhere to the following:
 - 1) An applicant shall submit the Department's "Certificate of Accountant" with the completed financial statement. An Independent Auditor's Opinion Letter is acceptable in lieu of the Certificate of Accountant, if the applicant desires to submit only the balance sheet, auditor's notes, and an income statement.
 - 2) All data shall be secured from an audit conducted no more than twelve months prior to the time the financial statement is received by the Department.
 - 3) Financial statements which are only compiled or reviewed by a CPA are not accepted for prequalification in an audited status.

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- 4) The audit of the applicant's records shall be conducted in accordance with generally accepted accounting standards.
 - 5) The financial statement shall be prepared by a Certified Public Accountant (CPA) who has been licensed by the Illinois Department of Professional Regulation or an out-of-state CPA who has been issued a license by that state. A financial statement will be considered unaudited if prepared by a non-licensed CPA.
 - 6) No certified financial statement will be accepted which has been prepared by an accountant who has a direct or indirect interest, financial or otherwise, in the business of the applicant submitting the statement.
 - 7) The applicant shall submit a report prepared by the CPA who conducted the audit if the Department's Certificate of Accountant is not submitted. The report shall contain the following information:
 - A) name, address, and telephone number of the accounting firm involved with the audit;
 - B) the license number, state of license, expiration date of license and signature of the CPA conducting the audit;
 - C) the date of audit;
 - D) the degree of responsibility assumed by the CPA; and
 - E) the accountant's opinion (see subsection (b) of this Section).
- b) **Opinion of Certified Public Accountant**
An auditor's or CPA's opinion is a report that either contains an expression of opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When the latter occurs, the CPA should state the reasons. There are several types of opinions a CPA can issue:
- 1) **Unqualified opinion** – an opinion which contains no exceptions and conveys the CPA's belief that the financial statement presents a fair and accurate statement of the applicant's financial position. An unqualified

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opinion is the most desirable because it allows the applicant to obtain audited status. Additionally, the unqualified opinion enables the Department to accept the applicant's financial statement with the confidence that the audit was conducted in accordance with generally accepted auditing standards; that the CPA acquired all the information necessary to render an informed opinion; and, that the same accounting principles were used as those used in the preceding year.

- 2) Qualified opinion – an opinion which contains an exception. An exception indicates that the CPA is not in agreement with a certain accounting principle. When a qualified opinion is in order, the CPA shall express the reasons~~reason(s)~~ for the qualification, the approximate amount involved, and the overall effect on the financial statement. Depending on the impact of these three factors, the Department may or may not accept the opinion for prequalification purposes. If the Department chooses not to accept the opinion, the applicant's financial statement will preclude prequalification in an audited status.
- 3) Adverse opinion – an opinion expressing the CPA's belief that the applicant's financial statement does not present a fair and accurate statement of the applicant's financial position. Pursuant to the rendering of an adverse opinion, the CPA shall disclose all substantive reasons for issuing such an opinion in his report. The Department shall view the applicant's financial statement as unaudited, thereby precluding prequalification in an audited status.
- 4) Disclaimer of opinion – a report used when a CPA believes an opinion cannot be expressed. Pursuant to the rendering of a disclaimer, the CPA shall present the reasons for refusing to express an opinion, such as client imposed restrictions. The Department shall view the applicant's financial statement as precluding prequalification in an audited status.

c) Unaudited Status

The Department will require all applicants seeking an unaudited status to adhere to the following:

- 1) The financial rating in the unaudited status is determined subject to the following limitations:
 - A) the applicant's financial rating shall be limited to no more than

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\$500,000 when a balance sheet is prepared and submitted by the applicant; or

B) the applicant's financial rating shall be limited to no more than \$1,500,000 when a reviewed or compiled balance sheet is prepared by an accountant and submitted by the applicant~~the applicant shall not have been awarded more than \$600,000 in transportation contracts, including Local Agency Motor Fuel Tax contracts, during any twelve month period. If this condition occurs subsequent to the issuance of a Certificate of Eligibility, the prequalification ratings will automatically expire.~~

- 2) The financial statement shall be prepared by either the applicant or an accountant. It is not necessary that the statement be prepared and certified by a licensed accountant. The financial statement:
- A) must be prepared from data secured from the applicant's records;
 - B) must not be more than twelve months old at the time of receipt by the Department;
 - C) must be completed and in balance; and
 - D) the financial information release must be completed and submitted by the applicant's financial institution to verify account balances.

d) Interest in Other Firms

- 1) Any parent and all affiliates or subsidiaries of the applicant shall be identified.
- 2) If an individual, a member of a partnership, or an officer or director of a corporation is interested financially in more than one company, the accountant shall submit a letter explaining such interest, the extent of the investment, and the individual's relationship with such companies. The Department may require these individuals to furnish financial statements from these companies as of the same date as the financial statement submitted by the applicant requesting prequalification.
- 3) Each applicant shall disclose, in the application for prequalification, the

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name of each owner, shareholder, partner, member, beneficiary or any other person expected to have a direct pecuniary interest in a contract awarded by the Department who holds an elective office in the State of Illinois; who is appointed to or employed in any office or agency of State government; or who is the spouse or minor child of any such person. If the company is a corporation, the name of all the officers and directors and their respective positions shall be disclosed.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.180 Balance Sheet Schedules

In order to provide for the determination of ratings in as objective a manner as possible, the Department has established specific evaluations and classifications for a number of financial rating items. The value attached to the affected financial rating items shall be calculated by decreasing its face value by the discount established in this Part for that item. Where a valuation or classification materially affects an applicant's financial rating, and insufficient information has been submitted, the Department may ask for clarification or substantiation of a classification made by the accountant in preparing the statement. If schedules in the format established in the "Contractor's Statement of Experience and Financial Condition" are not completed, the maximum discounts will be applied. The various financial rating items and their corresponding discounts are delineated as follows:

- a) Current Assets
 - 1) Schedule A – Cash

Cash includes currency, personal checks, bank drafts, money orders, cashiers checks and money on deposit with banks. The Department classifies cash as a current asset and attaches no discount, provided:

 - A) Deposits made for a sole proprietorship are held in the name of either the proprietor solely, or jointly with the proprietor's spouse.
 - B) Deposits made for a partnership are held either in the name of any of the general partners, or in the name of the partnership.
 - C) Deposits made for a corporation are held in the name of the corporation only.
 - D) Deposits are free of debt or obligation. Certificates of deposits and

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other cash assets that are pledged will be discounted by the amount of debt or obligation.

- E) For a firm in an unaudited status, a financial release must be submitted by the firm's bank to verify balances as of the balance sheet date.

2) Schedule B – Notes Receivable

Notes receivable will be evaluated and classified as follows:

	Discount
A) Secured notes receivable due within one year	0%
B) Unsecured notes receivable	100%
C) Any note receivable, or portion thereof, which will not be due and payable or is not expected to be collected within one year from the statement date	100%
D) Notes receivable from stockholders, officers, directors, employees, parent, subsidiaries and affiliates	100%

3) Schedule C – Certified and Cashier's Checks on Deposit

Deposits which may be included are those which are expected to be refunded within the current period or upon request of the depositor. An example is a deposit for a proposal guarantee. Purchase deposits on real estate and equipment will be included in determining the value of those fixed assets. All other deposits will be discounted 100 percent.

4) Schedule D – Accounts Receivable – Contracts

Accounts receivable from federal and State agencies for all contracts, and from local agencies for transportation contracts are considered as current assets regardless of the contract completion date. If the applicant has completed work not covered by current pay estimates and an item for such work is shown, the accountant shall obtain evidence in writing from the parties for whom the work was performed to justify such an item. Accounts receivable shall be evaluated as follows:

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	Discount
A) From federal and State agency contracts and local agency transportation contracts.	0%
B) From contractors on federal and State agency contracts and local agency transportation contracts. (Note: The receivables in subsections (a)(4)(A) and (B) above must be clearly denoted on Schedule D in order to escape discount.)	0%
C) From other contracts or entities.	10%
D) Work completed but unbilled (other entities).	10%
E) Over one year old (other entities).	100%
5) Schedule E – Other Accounts Receivable	
A) Any other account receivable, such as claims for tax refunds, will be carefully considered to determine whether it constitutes an authentic receivable and is collectible within one year.	
B) Other accounts receivable shall be evaluated as follows:	
	Discount
i) Accounts receivable offset by accounts payable.	0%
ii) Income tax refunds.	0%
iii) Judgements and insurance claims receivable.	100%
iv) Accounts receivable over one year old.	100%
v) Accounts receivable from stockholders, officers, directors and employees.	100%
vi) Accounts receivable from parent,	100%

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subsidiaries and affiliates. (See the exception to this discount in subsection (a)(5)(B)(vii) of this Section.)

- | | | |
|------|---|----|
| vii) | Accounts receivable from prequalified parent subsidiaries and affiliates whose financial statement date corresponds to the prequalifying company and whose financial statement of the same date shows a corresponding accounts payable. | 0% |
|------|---|----|
- C) Total discounts for accounts receivable will be offset by any allowance established for bad debt except in cases ~~that~~which involve 100% discounts.
- D) In determining whether the status of a receivable is current, reference will be made to the previous statements submitted by the applicant. The appearance of an item on two or more successive statements indicates that the receivable is not current and perhaps uncollectible. Therefore, the receivable will be considered noncurrent.
- 6) Schedule F – Stocks and Bonds
- | | | |
|------|---|----------|
| A) | In listing stocks, bonds, investments, etc., in Schedule F, the accountant shall show as separate items the applicant's investments in other contracting firms. | |
| B) | Stocks, bonds and other investments are evaluated and classified as follows: | |
| | | Discount |
| i) | Municipal, State and U.S. Bonds (cash surrender value) | 0% |
| ii) | U.S. Treasury Bills (cash surrender value) | 0% |
| iii) | Repurchase agreements | 0% |
| iv) | Annuities and Individual Retirement | 10% |

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v)	Stocks, bonds and investments, including commercial paper (book value shown on balance sheet) (market value shown on balance sheet)	25% 33⅓%
vi)	Special Assessment vouchers – tax anticipation warrants	25%
vii)	Stocks of parent, subsidiaries, affiliates, etc., which are themselves prequalified	100%
viii)	Nonmarketable equities – defined as equities not readily available for public sale	100%
ix)	Stock in civic organizations or social clubs (i.e., country club, co-op stock, etc.)	100%
x)	Artwork and collections	100%
xi)	Investments in joint ventures	25%
xii)	Investments in nonprequalified affiliated companies	25%
xiii)	Deferred tax asset	33⅓%
xiv)	Personal effects (sole proprietor)	100%
7)	Schedule G – Material in Stock	
A)	Inventories are evaluated and classified as follows:	
i)	Verified value of material in stock for current contracts except sod and growing nursery stock	Discount 0%
ii)	Verified value of other material in stock	10%

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- iii) Verified book or appraised value of sod and growing nursery stock 50%
- B) In completing Schedule G, the accountant shall exclude the value of any material for which a material allowance has been paid.
- 8) Schedule H – Cash Surrender Value of Life Insurance
Cash surrender value, not face value, of life insurance is considered a current asset provided the amount of any policy loan is considered as a current liability.
- 9) Schedule I – Prepaid Items
All prepaid items will be discounted 100%.
- 10) Schedule J – Relation of Billings and Costs
- A) This schedule is established for the convenience of those contractors that report income for Federal tax purposes on the cash method (completed contract), but who prepare financial statements on the accrual method (percentage of completion).
- B) Where the applicant classifies his billings in excess of costs as a fixed or other liability, the Department shall reclassify it as a current liability.
- C) The discount applied to billings and costs by the Department is as follows:
- | | Discount |
|--|----------|
| Costs in excess of billings (current assets) | 10% |
- b) Fixed Assets
- 1) Schedule K – Real Estate
- A) No consideration is given if title-held land and improvements are not verified by the certified public accountant for audited financial statements.

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- B) The allowance for real estate is the value of title-held land and improvements less long term encumbrances from commercial lending institutions times a factor of 50 percent.
 - C) The value may be based on an accredited real estate appraisal which is not more than 24 months old at the time of receipt by the Department. The appraiser's background, experience and references must be submitted. The information on the appraiser is not required if a tax assessment value is provided. The firm must request the use of the appraisal and note any deletions or additions (with corresponding values) since the appraisal date.
 - D) An applicant shall submit the Department's Certificate of Appraiser.
 - E) If an appraisal is not submitted or accepted, the allowance will be based on book value.
 - F) If the net appraised or book value is less than long term encumbrances, no reclassification of excess encumbrance will be made to current liabilities if current year's payments are provided for in current liabilities.
 - G) No allowances are given for oil leases, leasehold improvements, mineral leases or land lease prepayments.
- 2) Equipment
- A) In the case of audited financial statements, the accountant shall verify the correctness of the equipment schedule. All equipment which is still serviceable, even though fully depreciated, shall be included and listed by classification such as graders, scrapers, front-end loaders, bulldozers, cranes, etc.
 - B) The allowance for equipment is the value of owned construction equipment, including purchase deposits and capital leases, less long term encumbrances to commercial lending institutions times a factor of 70 percent. No value will be given for operating leases or rental equipment.

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- C) The value may be based on an accredited equipment appraisal (physical inspection) that is not more than 24 months old at the time of receipt by the Department. The appraiser's background, experience and references shall be submitted. The firm must request the use of the appraisal and note any deletions or additions (with corresponding values) since the appraisal date.
- D) An applicant shall submit the Department's Certificate of Appraiser.
- E) An appraisal that includes only the fair market value will be discounted 20% before being included in the calculation of an applicant's financial rating.
- ~~FE)~~ If an appraisal is not submitted or accepted, the allowance will be based on book value.
- ~~GF)~~ The accountant may restate any accelerated depreciated value to straight-line depreciation for determining book value.
- ~~HG)~~ If the net appraised or book value is less than long term encumbrances, no reclassification of excess encumbrance will be made to current liabilities if current year's payments are provided for in current liabilities.

- c) Schedule L – Other Current or Fixed Assets
If an applicant lists other assets not described in this Part, they shall be described in sufficient detail to be considered. Allowances for this category include, but are not limited to, the following:

	Discount
1) Nonconstruction equipment (classify to equipment)	0%
2) Accrued interest and dividends with adequate detail	10%
3) Grain and livestock (classify to inventory)	25%
4) Interest and dividends from stockholders, officers, directors, employees, parent, subsidiaries and affiliates	100%

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|----|--------------------------------|------|
| 5) | Organization expense/good will | 100% |
| 6) | Investment credit | 100% |

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.190 Other Factors Considered in Determining Financial Ratings

a) Notes and Accounts

- 1) Long term notes and accounts payable to stockholders, officers, directors, employees, parent, subsidiaries and affiliates will not be considered a liability if subordinated. A subordination is not permitted if it takes place more than one year from the date of the financial statement. Long term notes ~~that~~which are not subordinated will be considered as current liabilities. Subordinations ~~that~~which are not honored will not be considered on subsequent financial statements.
- 2) Long term notes (~~that~~which are in the company's name) payable to banks or other financial institutions when secured by the personal assets of the owners, officers or directors will be considered as additional working capital if properly subordinated. If not subordinated, they will be considered as liabilities against current assets.
- 3) Notes payable due within one year from the financial statement date are considered current liabilities. Installments on notes due beyond one year are considered deferred liabilities.
- 4) When notes payable are secured by all assets ~~or current assets~~ of a firm, the amount of the loan is deducted from the value of fixed assets (against equipment first, then real estate) in determining the financial rating. No excess of encumbrance will be charged against working capital. When notes payable are unsecured, there will be no deductions from the value of fixed assets with the exception of Section 650.180(a)(1)(D).
- 5) The reduction of long term notes before their due date will cause a reduction in the computed financial rating. In the event of long term debt reduction, the contractor shall furnish in writing the details of the transaction. This information shall be verified by a certified public accountant for those contractor's who have an audited status.

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- 6) Any long term unsecured notes payable shall be accompanied by a signed statement from the lending agency and the contractor indicating that a decrease in the unsecured borrowing shall be reported to the Department immediately. In addition, the contractor shall provide a copy of the loan agreement ~~that~~^{which} shall disclose the date of the loan, the termination date, the terms of payment, a statement that the loan is free of conditions and whether it is interest or noninterest bearing. Any unsecured note payable not accompanied by such a statement and loan agreement shall be considered a current liability for prequalification rating purposes.
- b) **Income Taxes**
The Department shall utilize the maximum corporate tax rate as stipulated by the Internal Revenue Code to reclassify deferred taxes as a current liability. This situation occurs when an applicant reports its income to the Internal Revenue Service on the cash or completed contract method, but submits such to the Department on the accrual method, thus deferring 100 percent of any income taxes due on its receivables. When deferred taxes are represented as a long term asset, the asset will be given no credit.
- c) **Dividends**
Where dividends of the applicant, declared or proposed, have neither been paid nor included as a current liability in the submitted application for prequalification, the Department shall establish reserve distributions equal to the unpaid portion.
- d) **Treasury Stock**
If debentures have been issued, or, if long term obligations have been assumed by an applicant for repurchase of treasury stock, the Department will not consider the long term portion of these obligations as long as the applicant has provided for repayment of any current portion.
- e) **Related Companies**
- 1) Applicants may be related to other concerns or companies by virtue of a parent, subsidiary or affiliate connection. Also, two or more concerns or companies may operate in a coordinated manner to maintain a single set of ratings. Applicants seeking a prequalification financial rating based upon the financial strength of the applicant and a related company or seeking a financial rating in conjunction with the financial strength of a group of related companies will be evaluated and issued ratings based upon an

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assessment of the financial statements submitted in accordance with this subsection (e) provided that the operational roles of the related companies in the business activity of the applicant are consistent with the work ratings applied for pursuant to this Part.

- 2) A consolidated financial statement from a parent corporation may be used to prequalify a subsidiary corporation or group of subsidiary corporations. A Certified Assumption and Guarantor Agreement must be submitted with the financial statement. If more than one subsidiary is identified by a holding company for bidding purposes, the Department will establish the bidding identity for each subsidiary.
 - 3) The Department may request a consolidated financial statement from the parent corporation of a subsidiary requesting prequalification. The Department will deny credit for assets of a subsidiary that are unduly burdened or otherwise heavily encumbered, or are not available because of the financial condition of the parent corporation.
 - 4) A combining financial statement may be used to prequalify an affiliated company or group of affiliated companies. Separate financial statements may be used to prequalify two or more related companies that provide the material production and construction capability necessary to support a work rating classification. An applicant seeking a financial rating for a group of affiliated companies based upon the combined affiliate data presented in a combining financial statement or separate financial statements shall present a full description of the businesses' operations and interdependencies. ~~A Guaranty Agreement~~~~Certified Assumption and Guarantor Agreements~~ will be required. The Department will not credit assets between affiliates for purposes of individual affiliate financial ratings without a ~~Guaranty Agreement~~ ~~Certified Assumption and Guarantor Agreement~~ and any necessary lease agreements in accordance with Section 650.260(b)(2) of this Part. In all instances, if more than one affiliate is identified for bidding purposes, the Department will establish the bidding identity for each affiliate.
- f) Letters of Credit
Bank letters or letters of credit will not be considered in the computation of the financial rating.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

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Section 650.240 Performance Factor (PF)

- a) The Performance Factor is a numerical value which is determined by the contractor's performance evaluation in a work category during the previous year. At the close of each construction season, the Department, other State agencies or authorities using contractors based on the prequalification decisions of the Department and officials of a unit of local government administering a contract approved for award by the Department will evaluate each contractor who performed work for them during the previous year either as a prime contractor or as a subcontractor. This information is submitted on the Contractor's Annual Performance Report (BC-1777), and will be held confidential from disclosure in accordance with Section 7(1)(a) of the Freedom of Information Act [5 ILCS 140/7(1)(a)]. The performance evaluations are based on:
- 1) The quality of work performed for each work category defined in Section 650.Appendix A of this Part.
 - 2) The overall execution of work as measured by evaluating ~~six~~five categories.
 - A) Organization and prosecution of the work;
 - B) Cooperation with public agency personnel responsible for contract administration and inspection;
 - C) Traffic control and site protection as provided by contract requirements;
 - D) Compliance with EEO and labor requirements; ~~and~~
 - E) Erosion Control; ~~and-~~
 - F) Contractor's ability to meet the Quality Control/Quality Assurance (QC/QA) plan as provided by contract requirements for materials production/construction quality control.
- b) The performance evaluation scale is a rating from 2.0 to 8.0 in accordance with the following definitions:

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8.0 Excellent

7.0 Good

6.0 Satisfactory

4.0 Marginal

2.0 Poor

- c) The quality and evaluating categories under execution of work are defined and rated as follows.
- 1) Quality – The project's durability and appearance, the knowledge of supervisory personnel, and the compliance with contract requirements (i.e., plans, specifications, field inspection, etc.) are considered.
 - 2) Quality Scale
 - 8.0 The contractor exceeded project requirements in all areas considered.
 - 7.0 The contractor exceeded project requirements in a majority of areas considered.
 - 6.0 The contractor met project requirements in all areas considered.
 - 4.0 The contractor did not meet project requirements in one area considered.
 - 2.0 The contractor did not meet project requirements in two or more areas considered.
 - 3) Organization/Prosecution – The contractor's ability to diligently prosecute work by planning and scheduling labor, materials and the work of ~~subcontractors~~ ~~subcontractor's~~ on ~~the~~ project site are considered.
 - 4) Organization/Prosecution Scale
 - 8.0 The contractor exceeded project requirements in all areas

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considered and completed the project well ahead of schedule.

- 7.0 The contractor exceeded project requirements in a majority of areas considered and the project was completed slightly ahead of schedule.
 - 6.0 The contractor met project requirements in all areas considered and the scheduled completion date was met.
 - 4.0 The contractor did not meet project requirements in one area considered and occasionally did not work when conditions permitted. The scheduled completion date was met.
 - 2.0 The contractor did not meet project requirements in two or more areas considered and the scheduled completion date was not met.
- 5) Cooperation – The contractor's willingness to negotiate contract disputes, to respond to reasonable requests by the resident engineer and to respond to various Departmental correspondence are considered.
- 6) Cooperation
- 8.0 The contractor exceeded project requirements in all areas considered.
 - 7.0 The contractor exceeded project requirements in a majority of areas considered.
 - 6.0 The contractor met project requirements in all areas considered.
 - 4.0 The contractor did not meet project requirements in one area considered.
 - 2.0 The contractor did not meet project requirements in two or more areas considered.
- 7) Traffic Control/Site Protection – The appearance of the traffic control devices, the response to repair deficient devices and the contractor's willingness to comply with the Traffic Control Plan (TCP) are considered.

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- 8) Traffic Control/Site Protection
 - 8.0 The contractor exceeded project requirements in all areas considered.
 - 7.0 The contractor exceeded project requirements in a majority of areas considered.
 - 6.0 The contractor met project requirements in all areas considered.
 - 4.0 The contractor did not meet project requirements in one area considered.
 - 2.0 Either the contractor did not meet project requirements in two or more areas considered or the contractor committed an act or omission which seriously compromised the safety of the public.
- 9) EEO/Labor Compliance – The contractor's compliance with the Equal Employment Opportunity program and compliance with labor laws are considered.
- 10) EEO/Labor Compliance
 - 8.0 The contractor exceeded project requirements.
 - 7.0 The contractor met project requirements through extraordinary effort and initiative.
 - 6.0 The contractor met project requirements with minimum effort and initiative.
 - 4.0 The contractor met project requirements, but had to be motivated by Department personnel.
 - 2.0 The contractor did not meet project requirements.
- 11) Erosion Control – The contractor's compliance with the project's erosion control plan and all pertinent federal and State laws, permits and regulations.

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- 12) Erosion Control
- 8.0 The contractor exceeded project requirements.
 - 7.0 The contractor exceeded project in a majority of the areas considered.
 - 6.0 The contractor met project requirements in all areas.
 - 4.0 The contractor did not meet the project requirements in one area considered.
 - 2.0 The contractor did not meet the contract requirements in two or more areas.
- 13) QC/QA – The contractor's ability to meet QC/QA inspection, testing, and documentation requirements; take control of the product; take corrective action; and communicate production/construction issues to Department personnel are considered.
- 14) QC/QA Scale
- 8.0 The contractor exceeded QC/QA requirements in all areas considered.
 - 7.0 The contractor exceeded QC/QA requirements in a majority of areas considered.
 - 6.0 The contractor met QC/QA requirements in all areas considered.
 - 4.0 The contractor did not meet QC/QA requirements in one area considered.
 - 2.0 The contractor did not meet QC/QA requirements in two or more areas considered.
- d) The Performance Factor is calculated by first determining the Project Cost Ratio (PCR) for the relevant work category. The PCR is the ratio of the value of all contracts being evaluated to the value of all contracts performed. Secondly, a weighted performance evaluation value is established for each performance

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evaluation completed by determining the product of the PCR, the rating for quality given on the relevant performance evaluation and the averaged ratings for execution given on the relevant performance evaluation divided by 6. Finally, the summation of all weighted performance evaluation values is divided by 6 to arrive at the PF.

- e) A work rating will be subject to denial or revocation if the summation of all weighted performance evaluation values for a work rating category is less than 6.0 for two successive years. A work rating will be subject to denial or revocation if the summation of all weighted performance evaluation values for a work rating category is less than 4.0 for one year.
- f) The Department will evaluate performance on any individual contract or group of contracts for purposes of determining the current responsibility of a contractor when the Engineer of Construction has determined that performance on any contract or contracts may not be acceptable and that an immediate evaluation is necessary to assess the responsibility of a contractor in order to protect the interests of the State in sound procurement practices. If the evaluation ordered by the Engineer of Construction results in the quality of work or the average overall execution of work ratings being rated at less than 4.0, the work ratings evaluated will be revoked.
- g) If a contractor receives a Quality of Work Rating of 2 for any work category being evaluated on any one contract, the work rating will be revoked.
- h)g) The contractor shall be notified of the performance evaluation in writing within 14 days with a detailed explanation of any substandard items. If a performance evaluation results in a denied, reduced or revoked work rating, the contractor may proceed with the review procedures in accordance with Section 650.150 of this Part.
- i)h) If an applicant did not have a contract with the Department in the previous year, the last evaluation issued within a five year period will be used. If an applicant has not had an evaluation in the last five years or is applying for an initial rating in a category and lists no public agencies or private customers as references, a Performance Factor of "1" will be used until an actual evaluation is made.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.260 Equipment Factor (EqF)

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- a) Work categories which require the applicant to have specific equipment and plant facilities are indicated in Section 650. Appendix A of this Part. Determination of work ratings in these categories requires the calculation of an Equipment Factor which measures the physical productive capacity of the applicant's equipment and facilities. Equipment Factors are based on standards which produce an average dollar value of productivity as set forth in Section 650. Appendix A of this Part. The Department may adjust the standards as necessary to reflect increases in construction costs. The word "equipment" used in this Section includes all machines, tools and plant facilities.
- b) In calculating Equipment Factors, the Department will consider:
- 1) Equipment owned outright.
 - 2) Rented equipment. Confirmation of rented equipment available for use~~Possession and exclusive control of the equipment~~ by the lessee shall be ~~confirmed by the~~ submittal of a signed and notarized affidavit. No credit will be given for rented equipment not available in possession to establish an equipment factor. Applicants shall submit a copy of the rental agreement, which must contain the following:
 - A) Time period. ~~The duration of the prequalification period is required.~~
 - B) Make, model, year, serial number and size or capacity of the equipment.
 - C) Monetary consideration.
 - D) Signature of the lessee and lessor.
- c) Credit for equipment will not be given until the applicant provides proof that all required federal, State or local permits or licenses to operate the equipment have been obtained.
- d) No credit will be given for any piece of equipment that is not serviceable, that is in disrepair or that is inoperable. A disassembled piece of equipment that is in all other respects serviceable, operable if assembled and available in accordance with subsection (f) of this Section may be credited provided that it will be assembled

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for the performance of contracts awarded during the period of prequalification. For example, a batch plant supporting a Portland Cement Concrete Paving work rating may be disassembled, stored and reassembled for use on contracts awarded during the period of prequalification.

- e) Equipment, including but not limited to front-end loaders, motor graders and cranes are versatile and can perform several types of work. If the contractor does not assign equipment to a specific category, the Department will assign the equipment on the basis of the contractor's work experience and requested ratings.
- f) The Department will give credit for equipment that is available for a work rating category. Conditions rendering equipment unavailable may include but are not limited to the following:
 - 1) Equipment owned but leased to another individual or business.
 - 2) Equipment that is devoted to a business enterprise of the applicant unrelated to or inconsistent with making the equipment available for the work category sought. Examples of this unavailability condition include but are not limited to the following. An applicant may have front-end loaders that are used in a quarry. This equipment would not be considered available for the work category of Earthwork. An applicant may sell the product of a concrete plant to the public by retail sales. This plant would not be available for the work category of Portland Cement Concrete Paving.
 - 3) Equipment that is not readily transported or relocated and that is not located within the State of Illinois or a bordering state or commonwealth at a location sufficiently proximate to the State of Illinois necessary to satisfy contract delivery requirements.
 - 4) Equipment that is readily transported or relocated but the applicant does not demonstrate, with intent and action, the transportation or relocation to the State of Illinois or a bordering state or commonwealth at a location sufficiently proximate to the State of Illinois necessary to satisfy contract delivery requirements.
 - 5) Equipment not ~~available to in the possession and control of~~ the applicant or not capable of being used to perform contracts for any reason.

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- g) The applicant shall make equipment available for inspection by the Department to verify possession, to determine serviceability, and to confirm availability for use in the work category.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.270 Capacity to Perform (CP)

- a) The Capacity to Perform represents the annual dollar value of work completed by an applicant ~~that~~~~which~~ is related to the category of work for which a rating is requested. The work must have been performed for the Department or other entity the Department considers to be a source of valid and verifiable information. The performance of the applicant must be that as a continuous operating entity. Credit will not be given for work performed as an owner or employee of another firm.
- b) The Capacity to Perform is the average of the three highest volume years in the last ten years. If a new applicant does not have three years' of experience or if there is ~~ana-sustained~~ increase in the volume of work performed, the Department will use a value ~~that~~~~which~~ does not exceed the highest volume year as the capacity to perform.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

SUBPART B: ~~AUTHORIZATION TO BID~~~~ISSUANCE OF PLANS AND PROPOSALS~~**Section 650.300 Request for ~~Authorization to Bid or Not for Bid Status~~~~Proposal Forms and Plans; Authorization to Bid~~**

A Request for ~~Authorization to Bid or Not for Bid Status~~~~Proposal Forms and Plans and Request for Authorization to Bid~~ (Form BD-124 INT) is published with the Transportation Bulletin. The Form BD-124 INT shall be used by contractors to request proposals and plans on CD-ROM and to request formal authorization to bid on contracts advertised in the Transportation Bulletin. Anyone may obtain proposal forms and plans regardless of prequalification status. An Authorization to Bid must be granted in accordance with this Part before a prequalified contractor may submit a bid.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

Section 650.340 Joint Ventures

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- a) Prequalified contractors may combine their available bidding capacity and request an Authorization to Bid for a single contract to bid as a joint venture after Department approval.
- b) Each request for approval of a joint venture shall be indicated by the filing of a Certificate of Joint Venture for each of the contracts for which joint venture approval is sought. The form is available from the Prequalification Section. It identifies the managing partner and indicates the joint venture agreement shall be available to the Department for inspection. In addition, each joint venture partner firm shall submit an Affidavit of Availability. The Certificate must be received no later than 4:30 p.m. prevailing time at least seven days prior to the scheduled date of the letting for which bidding proposals are sought.
- c) The proposed joint venture shall not be approved for the issuance of bidding proposals if the establishment of a joint venture would unduly restrict competition. A determination that a proposed joint venture would unduly restrict competition is limited to any of the following reasons:
 - 1) That the proposed joint venture would consist of more than three prequalified contractors unless the project is designated by the Department in the advertisement for bids as open for unrestricted joint venturing due to the magnitude, complexity and risks of the work.
 - 2) That for letting items estimated by the Department to be bid at less than \$1,000,000, more than one of the proposed joint venture partners has the individual prequalification ratings and bid capacity to bid the item without the approval of the venture. This determination shall not apply to joint ventures between affiliated contractors based upon 51 percent or more common controlling ownership or common management where the officers, directors or general partners control the board of directors and/or management of each contractor.
- d) Contractors whose financial ratings are based upon unaudited financial statements will not be permitted to joint venture with each other to bid contracts that which are estimated to exceed \$500,000 or \$1,500,000, depending on the contractor's unaudited status (see Section 650.170(c)(1)(A) and (B)). However, such contractors may be permitted to joint venture with contractors who have a financial rating based upon an audited statement to bid contracts estimated to exceed \$500,000.

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- e) If a joint venture work rating is limited by its maximum financial rating, the full value of the computed work rating will be used in analyzing the joint venture request for a bidding proposal. However, the combined maximum work rating in any category shall not exceed the combined maximum financial rating of the joint venture.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

SUBPART C: SUBCONTRACTOR REGISTRATION

Section 650.370 Registration of Subcontractors

- a) All firms desiring to bid or quote subcontract work to prequalified contractors holding authorization to bid on contracts advertised by the Department shall register on an annual basis for inclusion in the participant list. Prequalified contractors are included automatically on the participant list. Contractors that are not prequalified but that desire to bid or quote subcontract work on any Department contract shall register in accordance with this Subpart C.
- b) The Department shall furnish an electronic registration form for use by potential subcontractors desiring registration. The electronic form is obtained and shall be completed at the Department's web site at www.dot.il.gov ~~www.dot.state.il.us~~. Requests for information regarding registration and the electronic form may be made by mail or by telephone to:

Illinois Department of Transportation
Bureau of Construction, Prequalification Section
2300 S. Dirksen Parkway, Room 322
Springfield, IL 62764
(217) 782-6667

- c) The following information will be required to be reported on the registration form:
- 1) the firm's name,
 - 2) the firm's address and telephone number,
 - 3) the firm's tax ID type and tax ID number ~~the firm's status as a DBE or non-~~

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| ~~DBE~~,

- 4) the date the firm was established and its form of business organization,
 - 5) the annual gross receipts of the firm for the prior fiscal year of the firm,
and
 - 6) the owners of the firm.
- d) A registered firm will be issued a confirmation number.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

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Section 650.APPENDIX A AVAILABLE WORK CATEGORIES

- 1 Earthwork
- | 2 Portland Cement Concrete (PCC) Paving
- 3 Bituminous Plant Mix
- 4 Bituminous Aggregate Mixtures
- | 5 ~~Miscellaneous~~ Bituminous Paving
- 6 Cleaning and Sealing Cracks & Joints
- 7 Soil Stabilization and Modification
- | 8 Aggregate Bases & Surfaces (Type A and Type B)
- | 9 Structures (Highway, Railroad, and Waterway~~H,RR,W~~)
- 10 Structures Repair
- 11 Anchors and Tiebacks
- 12 Drainage
- 13 Drainage Cleaning
- 14 Electrical
- | 15 Cover and Seal Coats (Type A and Type B)
- 16 Slurry Applications
- | 17 ~~Miscellaneous~~ Concrete Construction
- 18 Landscaping
- 19 Seeding and Sodding

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- 20 Vegetation Spraying
- 21 Tree Trimming and Selective Tree Removal
- 22 Fencing
- 23 Guardrail
- 24 Grouting
- 25 Painting
- 26 Signing
- 27 ~~Paint~~ Pavement Markings (Paint, Thermoplastic, Epoxy, and Polyurea) Marking
- 28 ~~Thermoplastic Pavement Marking~~
- 29 ~~Epoxy Pavement Marking~~
- 30 Installation of Raised Pavement Markers
- 31 Pavement Texturing and Surface Removal
- 32 Cold Milling, Planing and Rotomilling
- 33 Erection
- 34 Demolition
- 35 Fabrication
- 36 Tunnel Excavation
- 37 Expressway Cleaning
- 38 Railroad (Track) Construction
- 39 Marine Construction

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- 40 Hydraulic Dredging
- 41 Hot (in-place) Recycling
- 42 Cold (in-place) Recycling

1 – EARTHWORK

Consists of clearing, grubbing, tree removal (except selective tree removal), hedge removal, roadway excavation, channel excavation, borrow excavation, special excavation, topsoil excavation and placement, ditch excavation, common excavation, solid rock excavation, mine refuse excavation, pavement removal, hauling, embankment (earth, stone, gravel or other materials), backfilling (all types of materials), grading, compacting and trenching. This category is also applicable to projects involving Demolition (see definition), riprap installation, construction of aggregate ditch, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks) and removals. In addition, this category is applicable to Seeding for Land Reclamation projects.

EQUIPMENT: Scrapers, gradalls, graders, cranes, shovels, excavators, backhoe loaders, front-end loaders, skid-steer loaders, bulldozers, sheeps foot rollers, vibratory rollers or fine grading equipment are required to establish a rating.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Equipment</u>	<u>Equipment factor (EqF)</u>
Self-propelled scrapers	\$21,000 per cubic meter of heaped capacity \$16,000 per cubic yard of heaped capacity
Pull type scrapers	\$12,000 per cubic meter of heaped capacity \$9,000 per cubic yard of heaped capacity
Gradalls	\$115,000 each
Graders	\$100,000 each
Cranes, shovels, excavators and backhoe loaders	\$360,000 for .5 cubic meter bucket size \$405,000 for .75 cubic meter bucket size \$480,000 for 1 cubic meter bucket size \$580,000 for 1.25 cubic meter bucket size \$730,000 for 1.5 cubic meter bucket size \$800,000 for 1.75 cubic meter bucket size

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	\$880,000 for 2 cubic meter bucket size
	\$1,060,000 for 2.5 cubic meter bucket size
	\$1,400,000 for 3 cubic meter bucket size
	\$1,730,000 for 3.5 cubic meter bucket size
	\$375,000 for .75 cubic yard bucket size
	\$405,000 for 1 cubic yard bucket size
	\$460,000 for 1.25 cubic yard bucket size
	\$550,000 for 1.5 cubic yard bucket size
	\$635,000 for 1.75 cubic yard bucket size
	\$750,000 for 2 cubic yard bucket size
	\$835,000 for 2.5 cubic yard bucket size
	\$1,010,000 for 3 cubic yard bucket size
	\$1,210,000 for 3.5 cubic yard bucket size
	\$1,440,000 for 4 cubic yard bucket size
	\$1,610,000 for 4.5 cubic yard bucket size
Front-end loaders	\$115,000 for less than 1.5 cubic meter bucket size
	\$210,000 for 1.5 to 2 cubic meter bucket size
	\$340,000 for 2.1 to 3 cubic meter bucket size
	\$475,000 for 3.1 to 4 cubic meter bucket size
	\$605,000 for greater than 4 cubic meter bucket size
	\$115,000 for less than or equal to 2 cubic yard bucket size
	\$230,000 for 2.1 to 3 cubic yard bucket size
	\$375,000 for 3.1 to 4 cubic yard bucket size
	\$460,000 for 4.1 to 5 cubic yard bucket size
	\$605,000 for greater than 5 cubic yard bucket size
Skid-steer loaders	\$50,000 each
Bulldozers	\$200,000 each
Fine grading equipment	\$200,000 each
Self-propelled rollers	\$50,000 each
Pull-type rollers	\$15,000 each
Disc	\$15,000 each
Water truck	\$1.35 per liter
	\$5 per gallon
Off-road and bottom-dump trucks	\$20,000 per cubic meter of heaped capacity
	\$15,000 per cubic yard of heaped capacity

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Consists of constructing pcc pavement, continuously reinforced pcc pavement, pcc base course and pcc base course widening, cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base and pozzolanic stabilized base course. This category is also applicable to Miscellaneous Concrete Construction.

EQUIPMENT: A central mix plant or a batch plant with truck mixers, formless paver and finishing machine. A concrete plant with either a formless paver or a finishing machine is the minimum equipment requirement.

CALCULATION OF WORK RATING: Primary or advanced formula.

EquipmentEquipment Factor (EqF)

Central Mix Plant and Batch Plant*	(C.M./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$105/C.M.) x (1.0) for an approved plant (C.Y./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$80/C.Y.) x (1.0)
Central Mix Dual Plant and Dual Batch Plant*	(C.M./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$105/C.M.) x (1.7) for an approved plant (C.Y./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$80/C.Y.) x (1.7)

* To receive the maximum equipment factor (EqF) for a batch plant, the contractor shall possess a minimum of one truck mixer for every cubic yard of batch capacity of the plant.

3 – BITUMINOUS PLANT MIX

The placement of bituminous concrete binder and surface course (Class I and Superpave), bituminous concrete base course widening, bituminous base course, bituminous aggregate mixture stabilized sub-base, bituminous shoulder, bituminous curb, bituminous gutter, bituminous curb and gutter, bituminous sidewalk, bituminous driveway, bituminous median, bituminous patching, open graded asphalt friction course and incidental bituminous surfacing. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to

Miscellaneous Bituminous Paving.

EQUIPMENT REQUIRED: An approved bituminous (HMA) plant, an approved bituminous

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spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Plant Production Rating</u>	<u>Equipment Factor (EqF)</u>
Metric Tons Per Hour (MTPH)	$MTPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$35/\text{Ton})$
Tons Per Hour (TPH)	$TPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$32/\text{Ton})$

Note: An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for production of Class I and Superpave mixtures prior to the production of such mixtures.

4 – BITUMINOUS AGGREGATE MIXTURES

Consists of the placement of bituminous aggregate mixture, stabilized sub-base and bituminous shoulder. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to ~~Miscellaneous~~ Bituminous Paving.

EQUIPMENT REQUIRED: An approved bituminous (HMA) plant, an approved bituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Plant Production Rating</u>	<u>Equipment Factor (EqF)</u>
Metric Tons Per Hour (MTPH)	$MTPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$29/\text{Ton})$
Tons Per Hour (TPH)	$TPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$26/\text{Ton})$

Note: An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for production of Class I and Superpave mixtures prior to the production of such mixtures.

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5 – MISCELLANEOUS BITUMINOUS PAVING

Consists of placing bituminous base, surface, widening or shoulders with a bituminous spreading and finishing machine. This category is restricted to either 1,200 tons in any one contract (Class I, or BAM, or Superpave) or as specified by the local agency. Bituminous curb and gutter, sidewalk, driveway, median and patching are not to be included in the tonnage determination. This work can also be completed under Bituminous Plant Mix and Bituminous Aggregate Mixtures categories.

EQUIPMENT REQUIRED: An approved bituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

6 – CLEANING AND SEALING CRACKS & JOINTS

Consists of routing and sealing cracks for asphaltic and concrete pavements.

EQUIPMENT REQUIRED: Router and melter.

CALCULATION OF WORK RATING: Secondary formula.

7 – SOIL STABILIZATION AND MODIFICATION

Consists of constructing soil-cement base course and lime modified soils.

EQUIPMENT REQUIRED: Grader, rotary speedmixer, mechanical spreader, water tanker and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

8 – AGGREGATE BASES & SURFACES (TYPE A)

Consists of constructing granular sub-base, aggregate base course, aggregate surface course, aggregate shoulders and aggregate-turf pavement. Also includes construction of cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base, pozzolanic stabilized base course, lime modified soils (disc harrow method), calcium chloride applications, and sub-ballast.

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8 – AGGREGATE BASES & SURFACES (TYPE B)

Consists of hauling and spreading aggregate.

EQUIPMENT REQUIRED: Grader or mechanical spreader, and compaction equipment if applicable.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Equipment</u>	<u>Equipment Factor (EqF)</u>
Grader and compaction equipment (Type A)	\$375,000 each
Mechanical spreader and compaction equipment (Type A)	\$375,000 each
Grader (Type B)	\$375,000 each
Mechanical spreader (Type B)	\$375,000 each
Widener	\$200,000 each

9 – STRUCTURES (HIGHWAY)

Consists of excavation for structures (includes cofferdams, temporary cribs, etc.), constructing concrete structures (bridges, box culverts, etc.), membrane waterproofing, constructing steel structures (bridges, corrugated structural plate drainage structures, etc.), constructing metal railings, constructing timber structures (bridges, etc.), erection, installation of reinforcement bars, piling (all types), and construction of temporary bridges. This category is also applicable to Structures Repair, Demolition, Miscellaneous Concrete Construction, Fencing and Signing.

EQUIPMENT REQUIRED: see Structures (Waterway) Equipment.

CALCULATION OF WORK RATING: see Structures (Waterway) Calculation.

9 – STRUCTURES (RAILROAD)

Consists of items listed above. This category is specific to structures carrying railroad transportation.

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9 – STRUCTURES (WATERWAY)

Consists of the construction of major structures and appurtenances for water storage and distribution, flood control and recreation. This includes dams, spillways, spillway crest gates, sluiceway, sluiceway gates, canals, channel appurtenances (culverts, flumes, inverted siphons, etc.), pump stations (including mechanical equipment), aqueducts, irrigation structures (checks, dams, gates, etc.), locks and dams, dikes, groins and jetties. This category also includes excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering and Demolition

EQUIPMENT: Bulldozers, front-end loaders, shovels, cranes, backhoe loaders, excavators, pile hammers and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.

10 – STRUCTURES REPAIR

Consists of bridge deck repair or bridge deck removal and replacement. This includes the use of latex modified concrete, polymer concrete, epoxy and other materials for patching, deck overlays, sealing, etc. Also includes membrane waterproofing, constructing metal railings, installation of reinforcement bars, superstructure repairs such as replacement of joints, replacement of bearings, beam straightening (heat or mechanical), repair and retrofit of fracture and fatigue distressed steel girders, member strengthening, etc. Substructure repairs are also included and consist of the use of epoxy, shotcrete and other materials for minor repairs of spalled or deteriorated concrete. This category is also applicable to Miscellaneous Concrete Construction, Fencing and Signing. This work can be completed under the Structures (Highway) category.

EQUIPMENT: Front-end loaders, cranes, backhoe loaders, excavators and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures repair rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.

11 – ANCHORS AND TIEBACKS

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Construction of all types of anchors and tiebacks ~~that which~~ provide resistance to lateral and uplift forces in bridge abutments, retaining walls, bulkheads, dams, deep excavations and various support systems (underpinning, etc.).

EQUIPMENT REQUIRED: Auger, drilling, or jacking equipment. Grouting equipment to include air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

12 – DRAINAGE

Consists of the installation and removal of precast concrete box culverts, installation and removal of pipe culverts and storm sewers, relining of pipe culverts and storm sewers, installation of pipe drains and pipe underdrains, exploration trenches for locating farm underdrains, minor boring and jacking of pipe-in-place, installation of cast iron soil pipe, installation of water mains and water service lines, adjusting sanitary sewers and water service lines, construction of catch basins, manholes, inlets, inspection holes and valve vaults, minor cleaning of catch basins, adjustment and reconstruction of catch basins, manholes, inlets, inspection holes and valve vaults, installation and adjustment of frames and grates, filling existing manholes, catch basins, inlets, wells and drainage structures, moving fire hydrants, moving domestic meter vaults and water service boxes, riprap installation, construction of aggregate ditch, installation of excelsior blanket, fiber mat and fiberglass roving, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks), construction of trench and backfill for communication cables, ducts and conduits, construction of inverted siphons, construction of flumes, construction of pump stations (including mechanical equipment) and installation of corrugated structural plate drainage structures. This category is also applicable to de-watering projects, well drilling, slurry trench cut-off walls (soil-bentonite or cement-bentonite), and Drainage Cleaning.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator.

CALCULATION OF WORK RATING: Secondary formula.

13 – DRAINAGE CLEANING

Consists of cleaning of pipe culverts, storm sewers and catch basins. This work can also be completed under the Drainage Category.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

EQUIPMENT REQUIRED: Vacuum or jetting equipment.

CALCULATION OF WORK RATING: Secondary formula.

14 – ELECTRICAL

Consists of the installation of electric cable, duct and conduits, construction of trench and backfill for cables, ducts and conduits, traffic surveillance and control installations, traffic signal installations, installation of light pole, installation of light tower, installation of vapor luminaire, installation of sign lighting, installation of temporary lighting systems, installation of navigational lighting systems, installation of photocell relay service, installation of airport lighting systems, installation of airport beacon towers and airport rotating beacons, and other appropriate illumination systems. This category is also applicable to electronic weigh scale installations, installation and maintenance of motorist call box systems and installation of electrical controls/mechanical equipment for pump stations.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator or aerial equipment.

CALCULATION OF WORK RATING: Secondary formula.

15 – COVER AND SEAL COATS (TYPE A)

Consists of the application of bituminous materials for priming, road oiling, cover coating and seal coating.

15 – COVER AND SEAL COATS (TYPE B)

Consists of sealing parking lots and driveways.

EQUIPMENT REQUIRED: Distributor (Type A).

CALCULATION OF WORK RATING: Primary or advanced formula.

Equipment

Equipment Factor (EqF)

Distributor (Type A)

\$400,000 each

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Tanker Truck* (Type A) \$50,000 each

* A maximum of two ~~(2)~~ tanker trucks per distributor will be allowed.

16 – SLURRY APPLICATIONS

Consists of slurry sealing and micro-surfacing.

EQUIPMENT REQUIRED: Slurry or micro-surfacing equipment.

CALCULATION OF WORK RATING: Secondary formula.

17 – MISCELLANEOUS CONCRETE CONSTRUCTION

Consists of masonry work or the construction of concrete barrier, curb, gutter, combination curb and gutter, sidewalk, driveway pavement, median, paved ditch, flumes, slope wall, retaining wall, railroad crossing, pavement, base course, base course widening and all types of pavement patching. This category also includes construction of revetment mats (cast-in-place concrete slabs), construction of foundations (light pole, light tower, etc.) and various undersealing projects ~~that which~~ allow the voids to be filled by gravity flow. Removal of concrete ~~that which~~ consists of any of the aforementioned items or similar items is applicable to this work rating. This category is also applicable to construction of box culverts and other similar miscellaneous drainage structures. The total of pavement, base course and base course widening cannot exceed 15,000 square yards in any one contract. This work can also be completed under the PCC Paving and Structures (Highways, Waterways) categories.

EQUIPMENT: Concrete saws, generators, vibrators, forms, tampers, screeds and concrete placement equipment.

CALCULATION OF WORK RATING: Secondary formula.

18 – LANDSCAPING

Consists of planting trees, shrubs, vines and other materials. This category also includes applying fertilizing nutrients, mulching, watering, pruning and selective removal of unwanted plants and Seeding and Sodding.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

EQUIPMENT: Auger equipment or hoe, tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers, tree spade and water trucks. Seed bed preparation and seeding equipment, a tractor loader and a water truck is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

19 – SEEDING AND SODDING

Consists of seeding, sodding, applying fertilizer nutrients, mulching, watering, installation of excelsior blanket, fiber mat and other erosion work. This work can also be completed under the Landscaping category.

EQUIPMENT: Tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers and water tankers. Seed bed preparation, seeding equipment and a tractor is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

21 – VEGETATION SPRAYING

Consists of the application of chemicals to remove or control vegetation.

EQUIPMENT REQUIRED: Tanker truck with on- and off-road spraying equipment.

CALCULATION OF WORK RATING: Secondary formula. The contractor must have an Illinois Commercial Pesticide Applicator's license. Workers must have an Illinois Commercial Pesticide Operator's license issued by the Illinois Department of Agriculture.

21 – TREE TRIMMING AND SELECTIVE TREE REMOVAL

Consists of commercial arborist work such as trimming and thinning of trees, root pruning and removal of individual trees and tree stumps.

EQUIPMENT REQUIRED: Aerial equipment, brush chipper, pruning tools and stump grinder.

CALCULATION OF WORK RATING: Secondary formula.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

22 – FENCING

Consists of constructing chain link fence, wire fence and wood fence. This category is also applicable to the installation of object markers, delineators and mile post markers. This work can also be completed under the Structural (Highway, Railroad) and Structures Repair categories.

EQUIPMENT: Post hole auger equipment needed for Fencing rating of \$200,000 or more.

CALCULATION OF WORK RATING: Secondary formula.

23 – GUARDRAIL

Consists of constructing steel plate beam guardrail, wood guardrail, cable road guard, posts (including guard posts), pipe handrail and metal railings. Removal of any of the aforementioned items or similar items is applicable to this work category.

EQUIPMENT REQUIRED: Post hammer or post hole auger.

CALCULATION OF WORK RATING: Secondary formula.

24 – GROUTING

Consists of shotcrete construction, lime injection systems, clay grouting, chemical grouting, compaction grouting, cement grouting, jet grouting, asphalt grouting and bituminous or cement fly ash undersealing of concrete pavements. Applicable to soil stabilization and rehabilitation of dams, bridges, sewers, tanks, reservoirs, tunnels, culverts, walls, masonry structures, etc. This category is also applicable to mud jacking, slab jacking and various under-sealing projects.

EQUIPMENT REQUIRED: Air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

25 – PAINTING

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Consists of the cleaning, containment and painting of metal surfaces. This includes structural steel, sign structures, sign supports, traffic signal hardware, lighting hardware, etc.

EQUIPMENT REQUIRED: Air compressor, sandblast equipment and paint spraying equipment.

CALCULATION OF WORK RATING: Secondary formula.

26 – SIGNING

Consists of installing, relocating, renovating, refurbishing and cleaning sign panels. This category also includes the installation and relocation of sign supports and sign structures, installation of object markers, installation of delineators and installation of mile post markers. Removal of any of the aforementioned items is also applicable to this work category. This work can also be completed under the Structures (Highway) and Structure Repair categories.

EQUIPMENT REQUIRED: Auger and aerial equipment. A crane will also meet minimum equipment requirements. Auger only will be limited to roadside signing.

CALCULATION OF WORK RATING: Secondary formula.

27 – ~~PAINT~~ PAVEMENT MARKINGS (PAINT) MARKING

Consists of the installation of paint pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated painting equipment.

CALCULATION OF WORK RATING: Secondary formula.

27 – ~~THERMOPLASTIC~~ PAVEMENT MARKINGS (THERMOPLASTIC) MARKING

Consists of the installation of thermoplastic pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated equipment ~~that which~~ is approved by the Bureau of Operations within the Division of Highways.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

CALCULATION OF WORK RATING: Secondary formula.

27 – EPOXY PAVEMENT MARKINGS (EPOXY) MARKING

Consists of the installation of epoxy pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Equipment ~~that which~~ is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

27 – PAVEMENT MARKINGS (POLYUREA)

Consists of the installation of polyurea pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Equipment that is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

30 – INSTALLATION OF RAISED PAVEMENT MARKERS

Consists of the installation of raised reflective pavement markers and their removal.

EQUIPMENT REQUIRED: Plunge router or saw.

CALCULATION OF WORK RATING: Secondary formula.

31 – PAVEMENT TEXTURING AND SURFACE REMOVAL

Consists of grooving or grinding PCC pavement or continuously reinforced PCC pavement.

EQUIPMENT REQUIRED: Grooving or grinding equipment.

CALCULATION OF WORK RATING: Secondary formula.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

32 – COLD MILLING, PLANING AND ROTOMILLING

Consists of bituminous surface removal or texturing bituminous pavements. Also applicable to pulverizing and mixing existing bituminous material.

EQUIPMENT REQUIRED: Milling, planing or grinding machine.

CALCULATION OF WORK RATING: Secondary formula.

33 – ERECTION

Consists of erecting structural steel or sign trusses. This work can be completed under the Structures (Highway, Railroad) category.

EQUIPMENT REQUIRED: Crane.

CALCULATION OF WORK RATING: Secondary formula.

34 – DEMOLITION

Consists of the removal of timber, steel and concrete structures and buildings. This work can be completed under the Structures (Highway, Railroad, Waterway) and Earthwork categories.

EQUIPMENT REQUIRED: Crane or excavator or front-end loader, backhoe loader or bulldozer.

CALCULATION OF WORK RATING: Secondary formula.

35 – FABRICATION

Consists of fabricating, delivering and storing structural steel.

EQUIPMENT REQUIRED: Fabrication plant.

CALCULATION OF WORK RATING: Secondary formula.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

36 – TUNNEL EXCAVATION

Consists of earth and rock excavation for tunnels, and construction of liner plate shafts, steel sheeted shafts and wood sheeted shafts. This category also includes rock bolting and major boring and jacking of pipe-in-place.

EQUIPMENT REQUIRED: Tunnel boring machine.

CALCULATION OF WORK RATING: Secondary formula.

37 – EXPRESSWAY CLEANING

Consists of sweeping expressways and arterial routes.

EQUIPMENT REQUIRED: Motorized street sweeping equipment.

CALCULATION OF WORK RATING: Secondary formula.

38 – RAILROAD (TRACK) CONSTRUCTION

Consists of sub-ballast construction, ballast construction, installation of crossites and installation of steel rails.

EQUIPMENT REQUIRED: Ballast regulator, tamper and lifting equipment.

CALCULATION OF WORK RATING: Secondary formula.

~~EXPRESSWAY CLEANING~~

~~Consists of sweeping expressways and arterial routes.~~

~~EQUIPMENT REQUIRED:~~ ~~Motorized street sweeping equipment.~~

~~CALCULATION OF WORK RATING:~~ ~~Secondary formula.~~

39 – MARINE CONSTRUCTION

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Consists of the construction of harbors and docking facilities on lakes or rivers. This includes breakwater structures, groins, jetties, seawalls, major revetments (riprap, interlocking concrete blocks and cast-in-place concrete slabs), bulkheads, piers, wharves, fenders and dolphins. This work category is also applicable to excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering, mechanical dredging, underwater inspection and underwater repair.

EQUIPMENT REQUIRED: Barge and barge-mounted crane.

CALCULATION OF WORK RATING: Secondary formula.

40 – HYDRAULIC DREDGING

Dredging of various waterways by the use of pumping equipment.

EQUIPMENT REQUIRED: Barge and pumping equipment.

CALCULATION OF WORK RATING: Secondary formula.

41 – HOT (IN-PLACE) RECYCLING

A road construction technique that involves a single-pass or a two-pass operation that which scarifies and rejuvenates the existing pavement material or combines existing pavement material with virgin material.

EQUIPMENT REQUIRED: Either a single recycle machine or a recycling train capable of heating, scarifying, remixing and relaying pavement material. Compaction equipment is also required.

CALCULATION OF WORK RATING: Secondary formula.

42 – COLD (IN-PLACE) RECYCLING

A road construction technique that reuses existing pavement material.

EQUIPMENT REQUIRED: Emulsion tanker truck, recycle machine, paver and compaction

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

equipment.

CALCULATION OF WORK RATING: Secondary formula.

(Source: Amended at 30 Ill. Reg. 16373, effective October 10, 2006)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 13) Information and questions regarding this emergency rulemaking shall be directed 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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1420

ILLINOIS PUBLIC ACCOUNTING ACT

Section

1420.10	Experience
1420.20	Application for Licensure as a Certified Public Accountant
1420.25	Application for Licensure as a Registered Certified Public Accountant
1420.30	Application for Licensure-Firm
1420.35	Temporary Practice

EMERGENCY

1420.40	Fees for the Administration of the Act
1420.50	Endorsement
1420.60	Restoration
1420.70	Continuing Professional Education
1420.80	Renewals
1420.90	Annual Report of the Committee
1420.100	Conduct of Hearings (Repealed)
1420.110	Granting Variances

AUTHORITY: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Public Accounting Act, effective June 30, 1975; codified at 5 Ill. Reg. 11058; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7748, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 14548, effective October 13, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6179, effective April 25, 1984; amended at 9 Ill. Reg. 5708, effective April 15, 1985; amended at 9 Ill. Reg. 8738, effective May 28, 1985; amended at 9 Ill. Reg. 13360, effective August 21, 1985; amended at 10 Ill. Reg. 20739, effective December 1, 1986; amended at 11 Ill. Reg. 18276, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 420 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1420 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2944; amended at 19 Ill. Reg. 16258, effective November 28, 1995; amended at 21 Ill. Reg. 15255, effective November 17, 1997; amended at 24 Ill. Reg. 14005, effective August 31, 2000; amended at 29 Ill. Reg. 9853, effective August 1,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENT

2005; emergency amendment at 30 Ill. Reg. 16435, effective September 29, 2006, for a maximum of 150 days.

Section 1420.35 Temporary Practice**EMERGENCY**

Any person practicing pursuant to this Section shall file a notice with the Division, on forms prescribed by the Division, that shall include a self-certification stating the date the applicant's license was issued and the date of expiration, along with the fee required by Section 1420.40.

An individual certified public accountant lawfully practicing in another state shall not be required to file notice for temporary practice or obtain registration as a certified public accountant under this Section so long as the individual CPA is temporarily practicing in this state incidental to practice in another state and does not solicit Illinois clients nor have a physical presence in Illinois.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 16435, effective September 29, 2006, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.APPENDIX A TABLE E	Amendment
310.APPENDIX A TABLE W	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Tables E and W to reflect a Memorandum of Agreement and two Memoranda of Understanding.

Section 310.Appendix A Table E is amended based on the Memorandum of Agreement between the Departments of Central Management Services and Transportation and the Local 330 General Chauffeurs, Sales Drivers and Helpers (Fox Valley) (RC-020) signed August 31, 2006. The Memorandum of Agreement includes the seasonal, salaried, full-time Highway Maintainers whose primary function is snow removal (Snowbirds) in DuPage, Kane, Kendall, Lake, McHenry and Will Counties (excludes Kankakee County) in the Local 330 from October 16 through April 15, inclusive, during each fiscal year. The rate of pay for that time is \$3,390 per month during Fiscal Year 2007 and \$3,575 per month during Fiscal Year 2008. Only the Fiscal Year 2007 rate is added to the Fiscal Year 2007 Pay Plan. The Fiscal Year 2008 rate will be made part of the Fiscal Year 2008 Pay Plan through later rulemaking.

Section 310.Appendix A Table W is amended based on the two Memoranda of Understanding between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed September 15, 2006. One Memorandum of Understanding includes the Lottery Regional Coordinator title (title code 24504) positions, which are not excluded from the bargaining unit (MC-07), in the bargaining unit RC-062 and assigns the pay grade RC-062-19 effective May 18, 2006. The second Memorandum of Understanding includes the Pension and Death Benefits Technician II title (title code 30962) (formerly SG-16) in the bargaining unit RC-062 and assigns the pay grade RC-062-16 effective May 11, 2006.

- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 6) Effective Date: September 27, 2006
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.Appendix A Table E RC-020 (Teamsters Local #330) is amended to add another Full Scale Rates table and a Note. The table includes the Highway Maintainer (Snowbirds) title, its title code 18639, its bargaining unit RC-020, its Pay Plan Code Q, and its pay rate \$3390. The Note explains the definition of Snowbirds.
- Section 310.Appendix A Table W RC-062 (Technical Employees, AFSCME) is amended to add to the title table the following two titles' information: the Lottery Regional Coordinator title, its title code 24504, its bargaining unit RC-062 and its pay grade 19; and the Pension and Death Benefits Technician II title, its title code 30962, its bargaining unit RC-062 and its pay grade 16.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: September 27, 2006
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.100	Amendment	30 Ill. Reg. 12060, 7/14/06
310.490	Amendment	30 Ill. Reg. 12060, 7/14/06
310.50	Amendment	30 Ill. Reg. 15240, 9/29/06
310.100	Amendment	30 Ill. Reg. 15240, 9/29/06
310.280	Amendment	30 Ill. Reg. 15240, 9/29/06
310.290	Amendment	30 Ill. Reg. 15240, 9/29/06
310.295	New Section	30 Ill. Reg. 15240, 9/29/06
310.410	Amendment	30 Ill. Reg. 15240, 9/29/06
310.490	Amendment	30 Ill. Reg. 15240, 9/29/06
310.500	Amendment	30 Ill. Reg. 15240, 9/29/06
310.APPENDIX A TABLE J	Amendment	30 Ill. Reg. 15240, 9/29/06
310.APPENDIX A TABLE Q	Amendment	30 Ill. Reg. 15240, 9/29/06

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.APPENDIX A TABLE W	Amendment	30 Ill. Reg. 15240, 9/29/06
310.APPENDIX A TABLE X	Amendment	30 Ill. Reg. 15240, 9/29/06
310.APPENDIX B	Amendment	30 Ill. Reg. 15240, 9/29/06

13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding these peremptory amendments shall be directed to:

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
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
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	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
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
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)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
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 Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
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

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,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at

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12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 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

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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 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,

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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 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

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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; peremptory 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; peremptory 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, 2001; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory 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; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory 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; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4,

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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 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; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE E RC-020 (Teamsters Local #330)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>October 16, 2006- April 15, 2007 Mo.</u>
Highway Maintainer (Snowbirds)	18639	RC-020	Q	3390.00

NOTE: Snowbirds are all, except those in Kankakee County, seasonal, full-time Highway Maintainers whose primary function is snow removal.

Full Scale Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2006</u>		<u>January 1, 2007</u>	
				<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
Bridge Mechanic	05310	RC-020	Q	4709.00	27.06	4755.00	27.33
Bridge Tender	05320	RC-020	B	4433.00	25.48	4479.00	25.74
Highway Maintainer	18639	RC-020	Q	4674.00	26.86	4720.00	27.13
Highway Maintainer (Bridge Crew)	18639	RC-020	Q	4748.12	27.29	4794.12	27.55
Highway Maintainer (Drill Rig)	18639	RC-020	Q	4779.00	27.47	4825.00	27.73
Highway Maintenance Lead Worker	18659	RC-020	Q	4812.00	27.66	4858.00	27.92
Highway Maintenance Lead Worker (Bridge Crew)	18659	RC-020	Q	4885.63	28.08	4931.63	28.34
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	RC-020	Q	4865.00	27.96	4911.00	28.22
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	RC-020	Q	4938.94	28.38	4984.94	28.65
Labor Maintenance Lead Worker	22809	RC-020	B	4571.00	26.27	4617.00	26.53
Laborer (Maintenance)	23080	RC-020	B	4512.00	25.93	4558.00	26.20
Maintenance Equipment Operator	25020	RC-020	B	4609.00	26.49	4655.00	26.75

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Maintenance Equipment Operator	25020	RC-020	Q	4779.00	27.47	4825.00	27.73
Maintenance Worker (DOT, not Emergency Patrol)	25500	RC-020	B	4550.00	26.15	4596.00	26.41
Power Shovel Operator (Maintenance)	33360	RC-020	Q	4779.00	27.47	4825.00	27.73
Power Shovel Operator (Maintenance) (Bridge Crew)	33360	RC-020	Q	4853.66	27.89	4899.66	28.16
Silk Screen Operator	41020	RC-020	B	4718.00	27.11	4764.00	27.38

New Hire Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Highway Maintainer	18639	RC-020	Q

Highway Maintainer

<u>New Hire Between the Dates</u>	<u>July 1, 2006</u>		<u>On employee's "new hire" anniversary July-December 2006</u>		<u>January 1, 2007</u>		<u>On employee's "new hire" anniversary January-June 2007</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/02-12/31/02)	4413.00	25.36	Full Scale					
(1/1/03-6/30/03)	4413.00	25.36			4459.00	25.63	Full Scale	
(7/1/03-12/31/03)	4184.00	24.05	4390.00	25.23	4436.00	25.49		
(1/1/04-6/30/04)	4184.00	24.05			4230.00	24.31	4436.00	25.49
(7/1/04-12/31/04)	3964.00	22.78	4170.00	23.97	4216.00	24.23		
(1/1/05-6/30/05)	3964.00	22.78			4010.00	23.05	4216.00	24.23
(7/1/05-12/31/05)	3732.00	21.45	3955.00	22.73	4001.00	22.99		
(1/1/06-6/30/06)	3732.00	21.45			3778.00	21.71	4001.00	22.99
(7/1/06-12/31/06)	3704.00	21.29			3750.00	21.55		
(1/1/07-6/30/07)					3750.00	21.55		

Highway Maintainer (Bridge Crew)

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<u>New Hire Between the Dates</u>	<u>July 1, 2006</u>		<u>On employee's "new hire" anniversary July-December 2006</u>		<u>January 1, 2007</u>		<u>On employee's "new hire" anniversary January-June 2007</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/02-12/31/02)	4482.78	25.76	Full Scale					
(1/1/03-6/30/03)	4482.78	25.76			4528.78	26.03	Full Scale	
(7/1/03-12/31/03)	4249.52	24.42	4458.52	25.62	4504.52	25.89		
(1/1/04-6/30/04)	4249.52	24.42			4295.52	24.69	4504.52	25.89
(7/1/04-12/31/04)	4026.72	23.14	4235.72	24.34	4281.72	24.61		
(1/1/05-6/30/05)	4026.72	23.14			4072.72	23.41	4281.72	24.61
(7/1/05-12/31/05)	3791.17	21.79	4017.17	23.09	4063.17	23.35		
(1/1/06-6/30/06)	3791.17	21.79			3837.17	22.05	4063.17	23.35
(7/1/06-12/31/06)	3763.30	21.63			3809.30	21.89		
(1/1/07-6/30/07)					3809.30	21.89		

Highway Maintainer (Drill Rig)

<u>New Hire Between the Dates</u>	<u>July 1, 2006</u>		<u>On employee's "new hire" anniversary July-December 2006</u>		<u>January 1, 2007</u>		<u>On employee's "new hire" anniversary January-June 2007</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/02-12/31/02)	4512.00	25.93	Full Scale					
(1/1/03-6/30/03)	4512.00	25.93			4558.00	26.20	Full Scale	
(7/1/03-12/31/03)	4278.00	24.59	4489.00	25.80	4535.00	26.06		
(1/1/04-6/30/04)	4278.00	24.59			4324.00	24.85	4535.00	26.06
(7/1/04-12/31/04)	4054.00	23.30	4265.00	24.51	4311.00	24.78		
(1/1/05-6/30/05)	4054.00	23.30			4100.00	23.56	4311.00	24.78
(7/1/05-12/31/05)	3817.00	21.94	4043.00	23.24	4089.00	23.50		
(1/1/06-6/30/06)	3817.00	21.94			3863.00	22.20	4089.00	23.50
(7/1/06-12/31/06)	3788.00	21.77			3834.00	22.03		
(1/1/07-6/30/07)					3834.00	22.03		

(Source: Peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Academy Trainer	09732	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Educator – Provisional	13105	RC-062	12
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15

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Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician II	30962	RC-062	16
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Property Tax Analyst I	34921	RC-062	12
Property Tax Analyst II	34922	RC-062	14
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25

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Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II	38572	RC-062	14
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

For the Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

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Effective July 1, 2006
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2384	2443	2503	2565	2645	2730	2814	2904	2990	3131	3224
09	Q	2480	2540	2603	2669	2751	2841	2928	3023	3114	3262	3361
09	S	2537	2599	2660	2725	2809	2898	2988	3084	3174	3325	3424
10	B	2461	2521	2584	2648	2745	2826	2920	3012	3105	3263	3362
10	Q	2559	2621	2686	2755	2854	2942	3041	3137	3235	3407	3507
10	S	2615	2679	2744	2812	2912	3001	3100	3196	3299	3471	3575
11	B	2549	2612	2679	2746	2839	2931	3036	3137	3234	3405	3508
11	Q	2651	2717	2785	2855	2957	3054	3163	3269	3373	3555	3661
11	S	2710	2775	2843	2913	3017	3113	3223	3331	3438	3618	3728
12	B	2649	2715	2783	2855	2960	3058	3172	3276	3397	3579	3686
12	Q	2756	2824	2896	2973	3083	3185	3308	3420	3545	3738	3850
12	S	2814	2882	2955	3031	3143	3247	3371	3484	3611	3805	3919
12H	B	16.30	16.71	17.13	17.57	18.22	18.82	19.52	20.16	20.90	22.02	22.68
12H	Q	16.96	17.38	17.82	18.30	18.97	19.60	20.36	21.05	21.82	23.00	23.69
12H	S	17.32	17.74	18.18	18.65	19.34	19.98	20.74	21.44	22.22	23.42	24.12
13	B	2746	2815	2887	2963	3072	3189	3309	3430	3558	3755	3869
13	Q	2855	2930	3006	3086	3200	3326	3455	3581	3713	3925	4043
13	S	2913	2989	3066	3146	3261	3389	3521	3646	3781	3992	4112
14	B	2857	2931	3011	3090	3208	3333	3478	3606	3743	3960	4079
14	Q	2975	3054	3136	3220	3345	3480	3632	3768	3912	4140	4264
14	S	3033	3113	3195	3282	3411	3544	3698	3834	3979	4205	4331
14H	B	17.58	18.04	18.53	19.02	19.74	20.51	21.40	22.19	23.03	24.37	25.10
14H	Q	18.31	18.79	19.30	19.82	20.58	21.42	22.35	23.19	24.07	25.48	26.24

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14H	S	18.66	19.16	19.66	20.20	20.99	21.81	22.76	23.59	24.49	25.88	26.65
15	B	2967	3046	3128	3213	3354	3493	3630	3778	3918	4153	4279
15	Q	3091	3173	3260	3351	3500	3646	3792	3950	4095	4340	4470
15	S	3151	3232	3323	3415	3565	3709	3860	4016	4160	4407	4538
16	B	3099	3183	3269	3363	3514	3669	3822	3982	4141	4385	4517
16	Q	3228	3318	3413	3511	3669	3835	3995	4159	4327	4584	4722
16	S	3292	3383	3477	3577	3736	3903	4064	4227	4395	4648	4790
17	B	3237	3328	3424	3524	3686	3856	4020	4182	4352	4611	4749
17	Q	3377	3474	3575	3677	3853	4030	4199	4370	4548	4819	4965
17	S	3440	3539	3640	3744	3921	4099	4268	4438	4614	4888	5035
18	B	3402	3500	3601	3708	3887	4069	4253	4427	4604	4879	5026
18	Q	3551	3653	3762	3875	4066	4252	4447	4629	4812	5100	5252
18	S	3615	3717	3830	3940	4131	4320	4512	4695	4881	5165	5321
19	B	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	J	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	Q	3739	3850	3966	4084	4293	4493	4706	4902	5108	5416	5578
19	S	3806	3919	4035	4152	4361	4562	4772	4970	5176	5483	5647
20	B	3781	3895	4011	4130	4339	4540	4756	4963	5168	5482	5646
20	Q	3953	4071	4191	4316	4534	4747	4971	5185	5401	5731	5903
20	S	4018	4138	4258	4384	4600	4812	5038	5252	5467	5795	5971
21	B	3991	4112	4235	4360	4585	4806	5031	5260	5479	5821	5996
21	U	3991	4112	4235	4360	4585	4806	5031	5260	5479	5821	5996
21	Q	4172	4298	4424	4557	4793	5021	5258	5497	5727	6083	6267
21	S	4239	4364	4491	4626	4857	5089	5326	5564	5792	6150	6335
22	B	4218	4346	4477	4610	4850	5087	5328	5574	5806	6167	6352
22	Q	4409	4542	4678	4817	5069	5319	5567	5825	6069	6445	6639
22	S	4476	4608	4746	4886	5134	5385	5632	5892	6138	6514	6707
23	B	4477	4610	4748	4889	5149	5413	5670	5932	6189	6578	6775

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

23	Q	4678	4817	4962	5113	5383	5659	5925	6199	6468	6873	7079
23	S	4746	4886	5031	5179	5449	5725	5992	6265	6534	6940	7149
24	B	4763	4906	5052	5204	5481	5768	6045	6324	6610	7024	7235
24	J	4763	4906	5052	5204	5481	5768	6045	6324	6610	7024	7235
24	Q	4977	5126	5281	5441	5730	6028	6318	6608	6907	7342	7562
24	S	5045	5193	5348	5507	5794	6093	6384	6676	6975	7408	7629
25	B	5077	5229	5386	5548	5850	6159	6466	6774	7081	7537	7763
25	J	5077	5229	5386	5548	5850	6159	6466	6774	7081	7537	7763
25	Q	5305	5464	5627	5795	6115	6435	6758	7080	7402	7875	8112
25	S	5375	5530	5697	5864	6182	6501	6824	7146	7466	7943	8181
26	B	5365	5526	5693	5920	6244	6574	6908	7230	7555	8043	8284
26	U	5365	5526	5693	5920	6244	6574	6908	7230	7555	8043	8284
27	B	5671	5841	6017	6319	6662	7014	7371	7715	8061	8583	8839
27	U	5671	5841	6017	6319	6662	7014	7371	7715	8061	8583	8839

Effective January 1, 2007
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2408	2467	2528	2591	2671	2757	2842	2933	3020	3162	3256
09	Q	2505	2565	2629	2696	2779	2869	2957	3053	3145	3295	3395
09	S	2562	2625	2687	2752	2837	2927	3018	3115	3206	3358	3458
10	B	2486	2546	2610	2674	2772	2854	2949	3042	3136	3296	3396
10	Q	2585	2647	2713	2783	2883	2971	3071	3168	3267	3441	3542
10	S	2641	2706	2771	2840	2941	3031	3131	3228	3332	3506	3611
11	B	2574	2638	2706	2773	2867	2960	3066	3168	3266	3439	3543
11	Q	2678	2744	2813	2884	2987	3085	3195	3302	3407	3591	3698
11	S	2737	2803	2871	2942	3047	3144	3255	3364	3472	3654	3765

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NOTICE OF PEREMPTORY AMENDMENTS

12	B	2675	2742	2811	2884	2990	3089	3204	3309	3431	3615	3723
12	Q	2784	2852	2925	3003	3114	3217	3341	3454	3580	3775	3889
12	S	2842	2911	2985	3061	3174	3279	3405	3519	3647	3843	3958
12H	B	16.46	16.87	17.30	17.75	18.40	19.01	19.72	20.36	21.11	22.25	22.91
12H	Q	17.13	17.55	18.00	18.48	19.16	19.80	20.56	21.26	22.03	23.23	23.93
12H	S	17.49	17.91	18.37	18.84	19.53	20.18	20.95	21.66	22.44	23.65	24.36
13	B	2773	2843	2916	2993	3103	3221	3342	3464	3594	3793	3908
13	Q	2884	2959	3036	3117	3232	3359	3490	3617	3750	3964	4083
13	S	2942	3019	3097	3177	3294	3423	3556	3682	3819	4032	4153
14	B	2886	2960	3041	3121	3240	3366	3513	3642	3780	4000	4120
14	Q	3005	3085	3167	3252	3378	3515	3668	3806	3951	4181	4307
14	S	3063	3144	3227	3315	3445	3579	3735	3872	4019	4247	4374
14H	B	17.76	18.22	18.71	19.21	19.94	20.71	21.62	22.41	23.26	24.62	25.35
14H	Q	18.49	18.98	19.49	20.01	20.79	21.63	22.57	23.42	24.31	25.73	26.50
14H	S	18.85	19.35	19.86	20.40	21.20	22.02	22.98	23.83	24.73	26.14	26.92
15	B	2997	3076	3159	3245	3388	3528	3666	3816	3957	4195	4322
15	Q	3122	3205	3293	3385	3535	3682	3830	3990	4136	4383	4515
15	S	3183	3264	3356	3449	3601	3746	3899	4056	4202	4451	4583
16	B	3130	3215	3302	3397	3549	3706	3860	4022	4182	4429	4562
16	Q	3260	3351	3447	3546	3706	3873	4035	4201	4370	4630	4769
16	S	3325	3417	3512	3613	3773	3942	4105	4269	4439	4694	4838
17	B	3269	3361	3458	3559	3723	3895	4060	4224	4396	4657	4796
17	Q	3411	3509	3611	3714	3892	4070	4241	4414	4593	4867	5015
17	S	3474	3574	3676	3781	3960	4140	4311	4482	4660	4937	5085
18	B	3436	3535	3637	3745	3926	4110	4296	4471	4650	4928	5076
18	Q	3587	3690	3800	3914	4107	4295	4491	4675	4860	5151	5305
18	S	3651	3754	3868	3979	4172	4363	4557	4742	4930	5217	5374

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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19	B	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	J	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	Q	3776	3889	4006	4125	4336	4538	4753	4951	5159	5470	5634
19	S	3844	3958	4075	4194	4405	4608	4820	5020	5228	5538	5703
20	B	3819	3934	4051	4171	4382	4585	4804	5013	5220	5537	5702
20	Q	3993	4112	4233	4359	4579	4794	5021	5237	5455	5788	5962
20	S	4058	4179	4301	4428	4646	4860	5088	5305	5522	5853	6031
21	B	4031	4153	4277	4404	4631	4854	5081	5313	5534	5879	6056
21	U	4031	4153	4277	4404	4631	4854	5081	5313	5534	5879	6056
21	Q	4214	4341	4468	4603	4841	5071	5311	5552	5784	6144	6330
21	S	4281	4408	4536	4672	4906	5140	5379	5620	5850	6212	6398
22	B	4260	4389	4522	4656	4899	5138	5381	5630	5864	6229	6416
22	Q	4453	4587	4725	4865	5120	5372	5623	5883	6130	6509	6705
22	S	4521	4654	4793	4935	5185	5439	5688	5951	6199	6579	6774
23	B	4522	4656	4795	4938	5200	5467	5727	5991	6251	6644	6843
23	Q	4725	4865	5012	5164	5437	5716	5984	6261	6533	6942	7150
23	S	4793	4935	5081	5231	5503	5782	6052	6328	6599	7009	7220
24	B	4811	4955	5103	5256	5536	5826	6105	6387	6676	7094	7307
24	J	4811	4955	5103	5256	5536	5826	6105	6387	6676	7094	7307
24	Q	5027	5177	5334	5495	5787	6088	6381	6674	6976	7415	7638
24	S	5095	5245	5401	5562	5852	6154	6448	6743	7045	7482	7705
25	B	5128	5281	5440	5603	5909	6221	6531	6842	7152	7612	7841
25	J	5128	5281	5440	5603	5909	6221	6531	6842	7152	7612	7841
25	Q	5358	5519	5683	5853	6176	6499	6826	7151	7476	7954	8193
25	S	5429	5585	5754	5923	6244	6566	6892	7217	7541	8022	8263
26	B	5419	5581	5750	5929	6306	6640	6977	7302	7631	8123	8367
26	U	5419	5581	5750	5929	6306	6640	6977	7302	7631	8123	8367
27	B	5728	5899	6077	6382	6729	7084	7445	7792	8142	8669	8927
27	U	5728	5899	6077	6382	6729	7084	7445	7792	8142	8669	8927

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Source: Peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers</u> :	<u>Peremptory Action</u> :
121.60	Amendment
121.61	Amendment
121.63	Amendment
121.64	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with Food and Nutrition Service regulations.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 6) Effective Date: October 1, 2006
- 7) A Complete Description of the Subjects and Issues involved: In accordance with regulations from the Food and Nutrition Service, this rulemaking revises the income eligibility standards and benefit allowances for the Food Stamp Program.
- 8) Do these peremptory amendments contain an automatic repeal date? No
- 9) Date Filed with the Index Department: September 28, 2006
- 10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed rulemakings pending on this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding these peremptory amendments shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

(217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)

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NOTICE OF PEREMPTORY AMENDMENTS

- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

- 121.160 Persons Required to Participate
- 121.162 Program Requirements

DEPARTMENT OF HUMAN SERVICES

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121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October

DEPARTMENT OF HUMAN SERVICES

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16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17

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Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill.

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Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits based on the net monthly food stamp income.
b) The maximum net monthly income standards are:

Table with 2 columns: Household Size and Amount. Rows show standards for household sizes 1 through 5, with amounts like \$817,798, 1,100,070, 1,384,344, 1,667,613, and 1,950,885.

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6.....	<u>2,2342,156</u>
7.....	<u>2,5172,428</u>
8.....	<u>2,8002,700</u>
Each additional member.....	<u>284272</u>

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

(Source: Peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006)

Section 121.61 Gross Monthly Income Eligibility Standards

a) Gross Monthly Income Eligibility Standards

- 1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1) (~~20052004~~)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) (~~20052004~~)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:
 - A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
 - B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
 - C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
 - D) A member receives State Supplemental Payment (SSP) due to blindness or disability.

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

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licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

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

b)	Household Size	Gross Income
	One Person	\$ 1,0621,037
	Two Persons	1,4301,390
	Three Persons	1,7991,744
	Four Persons	2,1672,097
	Five Persons	2,5352,450
	Six Persons	2,9042,803
	Seven Persons	3,2723,156
	Eight Persons	3,6403,509
	Each Additional Member	+ 369354

(Source: Peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006)

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.

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- c) Standard Deduction. The standard deduction for a household size of one through ~~three~~four persons is \$134. The standard deduction for a household size of four persons is \$139. The standard deduction for a household size of five persons is ~~\$162~~157. For households of six or more persons, the standard deduction is ~~\$186~~179.
- d) Dependent Care Deduction
- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.84).
 - 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed ~~\$417~~400.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2005) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);

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- B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
- 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
- A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$27; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air

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conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of ~~\$259~~²⁹⁹. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of ~~\$155~~¹⁶⁵. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$32. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$27 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2005)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2005)). Households who receive, apply for, or anticipate applying for a Low Income Energy Assistance Program (IHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the food stamp application, shall be allowed the air conditioning/heating standard (7 CFR 273.9). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.

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- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2005) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006)

Section 121.64 Food Stamp Benefit Amount

- a) The monthly food stamp benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly food stamp benefit amount.
- b) Maximum Monthly Food Stamp Benefit Amount:

Household Size	Amount
1.....	<u>\$155152</u>
2.....	<u>\$284278</u>
3.....	<u>\$408399</u>
4.....	<u>\$518506</u>
5.....	<u>\$615601</u>
6.....	<u>\$738722</u>
7.....	<u>\$816798</u>
8.....	<u>\$932912</u>
Each additional member.....	<u>\$117114</u>

- c) All one and two-person households will receive a minimum monthly food stamp

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benefit amount of \$10.

- d) **September Food Stamp Benefit Amount Adjustment**
The annual revisions of maximum gross and net income standards, standard deduction, maximum excess shelter deduction and food stamp benefit amounts are effective October 1st of each year. Because the September fiscal month of certain households includes days which fall in the October calendar month, the portion of the September fiscal food stamp benefit amount covering October 1st and later must be increased to reflect the new standards.

(Source: Peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006)

SECRETARY OF STATE

NOTICE OF AGENCY RESPONSE TO THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Number:</u>	<u>Action:</u>
1030.11	Amend
- 4) Date Notice of Emergency Amendment Published in the Register: June 30, 2006; 30 Ill. Reg. 11409
- 5) Date JCAR Statement of Objection to Emergency Amendment Published in the Register: August 24, 2006; 30 Ill. Reg. 14161
- 6) Summary of Action Taken by the Agency: Due to an inadvertent error, the effective date of this emergency rulemaking occurred prior to the Governor signing the statute into law. As this inadvertent error cannot be remedied through a text change, the emergency rulemaking will not be modified at this time. Compliance with this rulemaking and the stipulations it sets forth shall be determined at the sole discretion of the Office of the Secretary of State.

DEPARTMENT OF AGRICULTURE

NOTICE OF AGENCY RESPONSE TO A JOINT COMMITTEE ON ADMINISTRATIVE
RULES STATEMENT OF OBJECTION

- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
40.60	Refusal
40.80	Refusal
40.100	Refusal
40.120	Refusal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: January 20, 2006; 30 Ill. Reg. 713
- 5) JCAR Statement of Objection Published in the Illinois Register: July 28, 2006; 30 Ill. Reg. 13026
- 6) Summary of Action Taken by the Agency: At its meeting on July 11, 2006, the Joint Committee on Administrative Rules issued an objection to Sections 40.60, 40.80, 40.100 and 40.120 of the Department of Agriculture's rulemaking titled "Livestock Auction Markets" (8 Ill. Adm. Code 40) which was published on January 20, 2006 at 30 Ill. Reg. 713. JCAR objects to language because, by allowing livestock testing positive for brucellosis at market to be returned to their point of origin, the rulemaking conflicts with Section 5 of the Illinois Bovine Brucellosis Eradication Act and with 8 Ill. Adm. Code 85.40 (Diseased Animals).

The intent of Section 5 of the Illinois Bovine Brucellosis Eradication Act is to specify how animals are to be handled when brucellosis is diagnosed on the farm. There is confusion at livestock markets as to when an animal is officially classified as a reactor or suspect. The process of classification can take a week or longer depending when supplemental testing is complete. The Department acknowledges that clarification is needed in the Illinois Bovine Brucellosis Eradication Act and 8 Ill. Adm. Code 85.40 and will draft language to be included in the Bovine Brucellosis Eradication Act regarding animals reacting at a stockyard or auction market. However, because of the above-stated confusion, the Department is required to adopt the rulemaking at this time.

DEPARTMENT OF AGRICULTURE

NOTICE OF AGENCY RESPONSE TO A JOINT COMMITTEE ON ADMINISTRATIVE
RULES STATEMENT OF OBJECTION

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
85.5	Refusal
85.10	Refusal
85.15	Refusal
85.55	Refusal
85.75	Refusal
85.80	Refusal
85.100	Refusal
85.110	Refusal
85.115	Refusal
85.120	Refusal
85.135	Refusal
85.140	Refusal
85.145	Refusal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: January 20, 2006; 30 Ill. Reg. 737
- 5) JCAR Statement of Objection Published in the Illinois Register: July 28, 2006; 30 Ill. Reg. 13027
- 6) Summary of Action Taken by the Agency: At its meeting on July 11, 2006, the Joint Committee on Administrative Rules issued an objection to the Department of Agriculture in Sections 85.5, 85.10, 85.15, 85.55, 85.75, 85.80, 85.100, 85.110, 85.115, 85.120, 85.135, 85.140 and 85.145 for enforcing policy not in rule by requiring, for over a year, dog breeders and veterinarians to report canine brucellosis, a disease not listed by DOA as reportable and by requiring dog breeders to meet specified criteria for release from quarantine without statutorily required rules.

The Department acknowledges canine brucellosis was not a reportable disease under rules adopted regarding the Diseased Animals Act. In the situation where canine brucellosis was voluntarily reported to the Department involving licensees under the Animal Welfare Act, the Department has instituted quarantines as required under the Animal Welfare Act. The Department shall request guidance from the Advisory Board of Livestock Commissioners regarding quarantine procedures. However, given the

DEPARTMENT OF AGRICULTURE

NOTICE OF AGENCY RESPONSE TO A JOINT COMMITTEE ON ADMINISTRATIVE
RULES STATEMENT OF OBJECTION

increased cases of canine brucellosis in the State of Illinois, the Department is required to adopt the rulemaking at this time.

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 September 25, 2006 through October 2, 2006 and have been scheduled for review by the Committee at its October 10, 2006 meeting in Chicago or its November 14, 2006 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/8/06	<u>State Universities Retirement System</u> , Universities Retirement (80 Ill. Adm. Code 1600)	4/7/06 30 Ill. Reg. 6106	10/10/06
11/9/06	<u>Department of Human Services</u> , Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill. Adm. Code 679)	5/19/06 30 Ill. Reg. 9265	10/10/06
11/9/06	<u>Department of Human Services</u> , Eligibility (89 Ill. Adm. Code 682)	5/19/06 30 Ill. Reg. 9271	10/10/06
11/9/06	<u>Department of Human Services</u> , Service Planning and Provisions (89 Ill. Adm. Code 684)	5/19/06 30 Ill. Reg. 9276	10/10/06
11/9/06	<u>State Board of Education</u> , Grants for Arts Education and Foreign Language Education (23 Ill. Adm. Code 265)	7/21/06 30 Ill. Reg. 12513	10/10/06
11/9/06	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	7/7/06 30 Ill. Reg. 11482	10/10/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/9/06	<u>State Board of Education</u> , New Teacher Induction and Mentoring (23 Ill. Adm. Code 65)	7/7/06 30 Ill. Reg. 11490	10/10/06
11/9/06	<u>State Board of Education</u> , Technology Immersion Pilot Project (23 Ill. Adm. Code 365)	7/7/06 30 Ill. Reg. 11492	10/10/06
11/9/06	<u>State Board of Education</u> , Transitional Bilingual Education (23 Ill. Adm. Code 228)	5/5/06 30 Ill. Reg. 8016	10/10/06
11/10/06	<u>Illinois Racing Board</u> , Medication (11 Ill. Adm. Code 603)	7/21/06 30 Ill. Reg. 12548	10/10/06
11/10/06	<u>Department of Financial and Professional Regulation – Division of Professional Regulation</u> , Genetic Counselor Licensing Act (68 Ill. Adm. Code 1251)	5/12/06 30 Ill. Reg. 8737	10/10/06
11/15/06	<u>Department of Human Services</u> , Advisory Councils (89 Ill. Adm. Code 515)	6/9/06 30 Ill. Reg. 10241	11/14/06
11/15/06	<u>Department of Human Services</u> , Role of Residential Educational Facilities Operated by Illinois Department of Human Services (89 Ill. Adm. Code 750)	6/9/06 30 Ill. Reg. 10251	11/14/06
11/15/06	<u>Illinois Student Assistance Commission</u> , Nurse Educator Scholarship Program (23 Ill. Adm. Code 2766)	8/11/06 30 Ill. Reg. 13327	11/14/06
11/15/06	<u>Illinois Student Assistance Commission</u> , Forensic Science Grant Program (23 Ill. Adm. Code 2742)	8/11/06 30 Ill. Reg. 13320	11/14/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/15/06	<u>Illinois Student Assistance Commission,</u> Monetary Award Program Plus (MAP Plus) (23 Ill. Adm. Code 2734)	8/11/06 30 Ill. Reg. 13312	11/14/06
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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has suspended the license of Premium Financial Network, License No. MB.0005947 of Homewood, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 21, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$3,000.00 against Best Banc Financial, Ltd, MB.0006919 of Downers Grove, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 21, 2006. For further reference link to: www.idfpr.com.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$500.00 against Sylvester Realty Company, MB.0005879 of Riverside, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 21, 2006. For further reference link to: www.idfpr.com.

2006-10

EXECUTIVE ORDER TO ESTABLISH THE ILLINOIS PARENT LEADERSHIP COUNCIL

WHEREAS, the State of Illinois is committed to investing in Illinois children, parents and families in order to promote the success of Illinois students; and

WHEREAS, the State of Illinois recognizes the key role parents play in student achievement; and

WHEREAS, students whose parents are involved in their education have better school attendance, earn higher grades and test scores, and have greater long-term success following high school graduation; and

WHEREAS, high achieving schools involve parents in decision-making and student learning and promote communication between parents, students and teachers; and

WHEREAS, the Illinois State Board of Education promotes parental involvement in education; and

WHEREAS, the Illinois State Board of Education administers the Parental Involvement Pilot Project to make grants available to Illinois school districts to encourage parental participation; and

WHEREAS, continued support for parental participation requires cooperation and collaboration among parents, State and local education officials;

NOW THEREFORE, I, ROD BLAGOJEVICH, Governor of the State of Illinois, by virtue of the power and authority vested in me by the Constitution and the laws of the State of Illinois, do hereby order:

I. Creation of the Illinois Parent Leadership Council

- (a) There is created the Illinois Parent Leadership Council (“the Council”). The purpose of the Council is to serve as an advisory body to the Illinois State Board of Education and Office of the Governor as well as to serve in a leadership capacity, setting examples for Illinois parents and educators on the importance of parental involvement in education.
- (b) The Council shall consist of at least thirteen individuals appointed by the Governor. Appointees to the Council shall represent parents or guardians of children currently enrolled in Illinois schools, and educators and community leaders with experience in local parental involvement projects.
- (c) Appointments to the Council shall represent different geographic areas of the State, which shall include:

2006-10

EXECUTIVE ORDER TO ESTABLISH THE ILLINOIS PARENT LEADERSHIP COUNCIL

- (1) Four members representing Cook County, at least one of whom shall represent Suburban Cook County;
- (2) Three members representing Kane, Lake, DuPage, Will, and McHenry Counties;
- (3) Six members representing counties outside of Cook, Kane, Lake, DuPage, Will, and McHenry Counties.
- (d) Members of the Council will be appointed for 3-year terms, except for an appointment to fill an unexpired term, in which event the appointment shall be for the remainder of the unexpired term.
- (e) The Council shall select a chairperson.
- (f) The Council shall meet at least quarterly, and the chairperson and Illinois State Board of Education may convene the Council at any time.
- (g) A vacancy in the membership of the Council shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Council. A majority of Council members then appointed constitutes a quorum. A majority vote of the quorum is required for a Council decision.
- (h) The State Superintendent of Education or his or her designee shall serve without voting rights as Secretary to the Council. The Illinois State Board of Education shall provide necessary staff assistance to the Council.

II. Duties of the Illinois Parent Leadership Council

- (a) To identify best practices in parent involvement at schools within Illinois, as well as other states, and to develop recommendations addressing how those practices can be adopted and implemented in Illinois schools.
- (b) To provide assistance and advice to the Illinois State Board of Education on parent involvement in Illinois schools and its impact on student achievement, communication and partnerships with community and other groups, and school family involvement policies.
- (c) To make recommendations to the Illinois State Board of Education on State resources and materials that could promote and improve parental participation in Illinois schools.
- (d) To submit an Annual Report to the Illinois State Board of Education and Office of the Governor detailing their findings and recommending action items for implementation.

This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by Governor: September 29, 2006

Filed with Secretary of State: September 29, 2006

PROCLAMATIONS

**2006-336
COMCAST CARES DAY**

WHEREAS, in 1997, Comcast started Philadelphia Cares Day as a small local partnership in the corporate headquarters' hometown, but has now grown into a nationwide company initiative involving more than 30,000 Comcast employees who will partner with local organizations on community service projects throughout the country; and

WHEREAS, since its inception, Comcast employees, their families, and friends have contributed more than 405,000 hours and supported hundreds of community initiatives; and

WHEREAS, in Illinois, more than 2,500 Comcast employees, along with their families and friends, will participate in 18 community service projects in the Chicagoland area; and

WHEREAS, among many events, company-wide day of service projects will involve food drives, blood drives, collection of school supplies, and cleaning and maintenance of some of Illinois' beautiful scenic landscape; and

WHEREAS, in 2001, Comcast received the cable industry's Golden Beacon Award acknowledging Comcast Cares Day for its widespread and positive impact on the communities they serve; and

WHEREAS, the State of Illinois is proud to join with Comcast as they mark the 4th Annual Comcast Cares Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7, 2006 as **COMCAST CARES DAY** in Illinois in recognition of all the volunteers involved in this effort to make a positive impact on the well-being of others, and the well-being of this state as a whole.

Issued by the Governor on September 26, 2006.

Filed by the Secretary of State September 26, 2006.

**2006-337
GREEK ORTHODOX LADIES PHILOPTOCHOS SOCIETY DAY**

WHEREAS, founded in 1931 as a charitable arm of the Greek Orthodox Archdiocese in America, the Greek Orthodox Ladies Philoptochos Society provides assistance

PROCLAMATIONS

and support to those individuals and families in our communities that need it the most; and

WHEREAS, through a variety of fundraising efforts, and through partnerships with other charitable endeavors across the country, the Society brings hope and joy into the lives of countless people each year; and

WHEREAS, the Ladies Philoptochos Society, whose name is derived from the Greek word meaning "friend of the poor," accepts completely tax-deductible donations with 99 percent of those donations going directly toward helping families and individuals; and

WHEREAS, the organization is comprised of more than 25,000 members in more than 500 chapters nationwide, making them the largest Christian women's organization in America; and

WHEREAS, in addition to their philanthropic efforts, the Ladies Philoptochos Society is also committed to preserving and perpetuating Orthodox Christian concepts and the Orthodox Christian Family, and through them, promoting the Greek Orthodox faith and traditions; and

WHEREAS, the State of Illinois is proud of the efforts of our local chapters of the Ladies Philoptochos Society, including the Metropolis of Chicago Chapter, who is holding a Grand Celebration event on Sunday, November 5 to commemorate the Society's 75th anniversary; and

WHEREAS, this anniversary celebration gives all members the opportunity to reflect back upon their 75 years of philanthropy, and look toward the future with plans for even greater success in the years to come:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 5, 2006 as **GREEK ORTHODOX LADIES PHILOPTOCHOS SOCIETY DAY** in Illinois, in honor of the organization's 75th anniversary and their outstanding contributions to our communities.

Issued by the Governor on September 21, 2006.

Filed by the Secretary of State September 27, 2006.

2006-338

NATIONAL CYBER SECURITY AWARENESS MONTH

PROCLAMATIONS

WHEREAS, today, the Internet provides access to a wealth of information and services throughout the world; but

WHEREAS, despite the many wonderful advantages and benefits of the Internet, it also poses many significant dangers and threats. The Internet is used by many predators to prey on our children and steal our identity; and

WHEREAS, that is why we must take great precautions when using the Internet. By using web browser privacy features and common sense practices, we can minimize the risks and help protect our children and ourselves; and

WHEREAS, National Cyber Security Awareness Month was launched for the purpose of encouraging and empowering Americans, businesses, government, and schools to improve their Internet security; and

WHEREAS, the Multi-State Information Sharing and Analysis Center (MS-ISAC), the National Cyber Security Alliance (NCSA), and the United States Department of Homeland Security will promote National Cyber Security Awareness Month once again this October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2006 as **NATIONAL CYBER SECURITY AWARENESS MONTH** in support of the campaign by MS-ISAC, NCSA, and Homeland Security to raise awareness about Internet security.

Issued by the Governor on September 27, 2006.

Filed by the Secretary of State September 27, 2006.

2006-339**ANAIA'S BREAST CANCER AWARENESS PROGRAM DAYS**

WHEREAS, Anaia's Breast Cancer Awareness Program (ABCAP), named for the late Anaia Bedford, has the goal of ensuring that the underserved communities are aware of the importance of getting properly screened for the early detection of breast cancer; and

WHEREAS, Anaia Bedford lost her long battle with breast cancer in April of 2004. By the time she was properly diagnosed with the disease, she was already in Stage II, and if she and her family had been better informed about the disease early on, her life may have been saved; and

PROCLAMATIONS

WHEREAS, after Anaia's passing, her husband Ken created ABCAP, and held the first annual Breast Cancer Awareness Concert & Dance in August 2005 at the beautiful indoor/outdoor Galleria Marchetti in Chicago. It was an event that highlighted the importance of getting mammograms, ultrasound and even MRIs to detect breast cancer in its early stages; and

WHEREAS, this year, the 3rd Annual Breast Cancer Awareness Gala and Tribute will again be held at the Galleria Marchetti on Friday, September 29, 2006. Guests will include: Angela Winbush, Phil Perry, Glenn Jones, jazz sax man Ray Silkman, and Actress Vivica Fox, who will appear as the Keynote Speaker at the Health Fair on Saturday, September 30, 2006. There will also be free mammogram testing on site, a breast cancer survivor's forum, health and fitness experts, live music and entertainment, and other exhibits; and

WHEREAS, the State of Illinois joins ABCAP in their important mission, and proudly supports this entertaining and educational weekend that will undoubtedly go a long way toward creating awareness of breast cancer and the importance of early detection:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 29 and 30, 2006 as **ANAIA'S BREAST CANCER AWARENESS PROGRAM DAYS** in Illinois.

Issued by the Governor on September 27, 2006.

Filed by the Secretary of State September 27, 2006.

ILLINOIS ADMINISTRATIVE CODE

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