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TABLE OF CONTENTS

November 03, 2006 Volume 30, Issue 44

PROPOSED RULES

COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF

River Edge Redevelopment Zone

14 Ill. Adm. Code 524 17144

FINANCIAL AND PROFESSIONAL REGULATION, ILLINOIS DEPARTMENT OF

Real Estate Appraiser Licensing

68 Ill. Adm. Code 1455 17147

HUMAN SERVICES, DEPARTMENT OF

General Administrative Provisions

89 Ill. Adm. Code 10 17175

Temporary Assistance for Needy Families

89 Ill. Adm. Code 112 17181

Food Stamps

89 Ill. Adm. Code 121 17194

HEALTHCARE AND FAMILY SERVICES

Healthcare Purchasing Program

89 Ill. Adm. Code 180 17209

STATE BOARD OF EDUCATION, ILLINOIS

The "Grow Your Own" Teacher Education Initiative

23 Ill. Adm. Code 60 17219

STATE BOARD OF ELECTIONS

Procurement (Repealer)

44 Ill. Adm. Code 2600 17230

State Board of Elections Procurement Rules

44 Ill. Adm. Code 2600 17233

STATE UNIVERSITIES RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

Universities Retirement

80 Ill. Adm. Code 1600 17284

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Standard Procurement

44 Ill. Adm. Code 1 17305

STATE UNIVERSITIES' CIVIL SERVICE SYSTEM

State Universities Civil Service System

80 Ill. Adm. Code 250 17384

ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS

Right-To-Know Notice Costs

35 Ill. Adm. Code 1662 17409

STATE BOARD OF EDUCATION, ILLINOIS

Public Schools Evaluation, Recognition and Supervision

23 Ill. Adm. Code 1 17416

New Teacher Induction and Mentoring

23 Ill. Adm. Code 65 17425
Transitional Bilingual Education
23 Ill. Adm. Code 228 17434
Grants for Arts Education and Foreign Language Education
23 Ill. Adm. Code 265 17464
School Food Service
23 Ill. Adm. Code 305 17475
Technology Immersion Pilot Project
23 Ill. Adm. Code 365 17488
STATE BOARD OF ELECTIONS
Campaign Financing
26 Ill. Adm. Code 100 17496
STATE UNIVERSITIES RETIREMENT SYSTEM OF THE STATE OF ILLINOIS
Universities Retirement
80 Ill. Adm. Code 1600 17509
TEACHERS' RETIREMENT SYSTEM
The Administration and Operation of the Teachers' Retirement System
80 Ill. Adm. Code 1650 17525
TRANSPORTATION, ILLINOIS DEPARTMENT OF
Tourism Attraction Signing Program
92 Ill. Adm. Code 543 17550
Engine Braking Signs
92 Ill. Adm. Code 547 17571
EMERGENCY RULES
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF
River Edge Redevelopment Zone
14 Ill. Adm. Code 524 17575
PEREMPTORY RULES
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Pay Plan
80 Ill. Adm. Code 310 17603
NOTICE OF REQUEST FOR EXPEDITED CORRECTION
HEALTHCARE AND FAMILY SERVICES
Medical Payment
89 Ill. Adm. Code 140 17635
NOTICE OF CORRECTION TO NOTICE ONLY
PUBLIC HEALTH, ILLINOIS DEPARTMENT OF
Hospital Licensing Requirements
77 Ill. Adm. Code 250 17666
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER
FINANCIAL AND PROFESSIONAL REGULATION, ILLINOIS DEPARTMENT OF
2 Notices of Public Information Regarding the Residential Mortgage License Act of 1987.....17667
REGULATORY AGENDA
EXECUTIVE ETHICS COMMISSION

Executive Ethics Commission
2 Ill. Adm. Code 1620 17668
STATE RECORDS COMMISSION
State Records Commission
44 Ill. Adm. Code 4400 17669
SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received.....17678
EXECUTIVE ORDERS AND PROCLAMATIONS
PROCLAMATIONS
African American Women Evolving Days
2006-263.....17680
Respiratory Care Week
2006-264.....17680
Chronic Obstructive Pulmonary Disease Awareness Month
2006-265.....17681
Childhood Lead Poisoning Prevention Week
2006-266.....17682
Student Pledge Against Gun Violence - National Day Of Concern
2006-267.....17683
Chicago Baptist Institute Day
2006-268.....17684
Hungarian Freedom Day
2006-269.....17685
South Side Help Center 70's Bash Day
2006-270.....17687
United Nations Day
2006-271.....17687
Sickle Cell Disease Association of Illinois
2006-272.....17689

Editors Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 16, 2006 to January 3, 2005 by noon as January 1, 2007 is a holiday and the office is closed.

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2006

Issue #	Rules Due Date	Date of Issue
1	December 27, 2005	January 6, 2006
2	January 3, 2006	January 13, 2006
3	January 9, 2006	January 20, 2006
4	January 17, 2006	January 27, 2006
5	January 23, 2006	February 3, 2006
6	January 30, 2006	February 10, 2006
7	February 6, 2006	February 17, 2006
8	February 14, 2006	February 24, 2006

9	February 21, 2006	March 3, 2006
Issue #	**Rules Due Date**	**Date of Issue**
10	February 27, 2006	March 10, 2006
11	March 6, 2006	March 17, 2006
12	March 13, 2006	March 24, 2006
13	March 20, 2006	March 31, 2006
14	March 27, 2006	April 7, 2006
15	April 3, 2006	April 14, 2006
16	April 10, 2006	April 21, 2006
17	April 17, 2006	April 28, 2006
18	April 24, 2006	May 5, 2006
19	May 1, 2006	May 12, 2006
20	May 8, 2006	May 19, 2006
21	May 15, 2006	May 26, 2006
22	May 22, 2006	June 2, 2006
23	May 30, 2006	June 9, 2006
24	June 5, 2006	June 16, 2006
25	June 12, 2006	June 23, 2006
26	June 19, 2006	June 30, 2006
27	June 26, 2006	July 7, 2006
28	July 3, 2006	July 14, 2006
29	July 10, 2006	July 21, 2006
30	July 17, 2006	July 28, 2006
31	July 24, 2006	August 4, 2006
32	July 31, 2006	August 11, 2006
33	August 7, 2006	August 18, 2006
34	August 14, 2006	August 25, 2006
35	August 21, 2006	September 1, 2006
36	August 28, 2006	September 8, 2006
37	September 5, 2006	September 15, 2006
38	September 11, 2006	September 22, 2006
39	September 18, 2006	September 29, 2006
40	September 25, 2006	October 6, 2006
41	October 2, 2006	October 13, 2006
42	October 10, 2006	October 20, 2006
43	October 16, 2006	October 27, 2006
44	October 23, 2006	November 3, 2006
45	October 30, 2006	November 13, 2006
46	November 6, 2006	November 17, 2006
47	November 13, 2006	November 27, 2006
48	November 20, 2006	December 1, 2006
49	November 27, 2006	December 8, 2006
50	December 4, 2006	December 15, 2006
51	December 11, 2006	December 22, 2006
52	December 18, 2006	December 29, 2006

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

1) Heading of the Part: River Edge Redevelopment Zone Program

2) Code Citation: 14 Ill. Adm. Code 524

3)

Section Numbers:	Proposed Action:
524.10	New Section
524.20	New Section
524.110	New Section
524.120	New Section
524.130	New Section
524.140	New Section
524.150	New Section
524.160	New Section
524.210	New Section
524.220	New Section
524.230	New Section
524.240	New Section
524.250	New Section
524.310	New Section
524.320	New Section
524.410	New Section
524.420	New Section
524.430	New Section
524.510	New Section
524.520	New Section
524.530	New Section
524.540	New Section
524.550	New Section
524.560	New Section
524.570	New Section
524.610	New Section
524.620	New Section
524.630	New Section
524.640	New Section
524.650	New Section

4) Statutory Authority: Implementing and authorized by Section 10-6 of the River Edge Redevelopment Zone Act [65 ILCS 115/10-6].

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

5) A Complete Description of the Subjects and Issues Involved: Recently enacted legislation (PA 94-1021, effective July 12, 2006 and PA 94-1022, effective July 12, 2006) identifies and initiates 3 pilot River Edge Redevelopment Zones to stimulate the safe and cost-effective re-use of environmentally-challenged properties adjacent to or surrounding rivers by means of tax incentives and grants.

6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805 13(b)].

12) Time, Place and Manner in which interested persons may comment on this rulemaking:

Jolene Clarke
Department of Commerce and Economic Opportunity
620 E. Adams Street
Springfield, Illinois 62701

217/557-1820
Fax: 217-782-0038
e-mail: jolene.clarke@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses and small municipalities affected: These rulemakings will affect municipalities with River Edge Development Zones that seek grant assistance under the rules. At this time only the municipalities of Aurora, East St. Louis, and Rockford are eligible to receive pilot River Edge Redevelopment Zones.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

B) Reporting, bookkeeping or other procedures required for compliance: No new reporting, bookkeeping or other procedures will be required as a result of the proposed rules.

C) Types of professional skills necessary for compliance: No specific professional skills are required for compliance with the proposed rules.

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 Department did not anticipate the need for this rulemaking at the time the agendas were published.

The full text of the Proposed Rules is identical to the Emergency Rule found in this issue of the *Illinois Register* on page 17575.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Real Estate Appraiser Licensing

2) Code Citation: 68 Ill. Adm. Code 1455

3)

Section Numbers:	Proposed Action:
1455.120	Repealed
1455.150	Amendment
1455.160	Amendment
1455.240	Amendment
1455.320	Amendment
1455.360	Amendment
1455.380	Amendment
1455.390	Amendment
1455.420	Amendment

4) Statutory Authority: Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]

5) A complete description of the subjects and issues involved: The criteria governing the education and experience requirements for Certified Appraisal licensure mandated by the Federal Financial Institutions Examination Council, Title XI of the US Code and the Appraisal Qualifications Board contained in Illinois Appraisal Law and Rules will become invalid on January 1, 2008. Ongoing problems have brought about an increase in both the educational and experience requirements mandated by the federal government. Without the education and experience criteria changes contained in these proposed rules, appraisers certified by Illinois after January 1, 2008 will not be allowed to do appraisal work for federally related transactions (the overwhelming majority of loan transactions), including programs under Fannie Mae, Freddie Mac, banking mortgage and loans insured by the FDIC or HUD, and many other appraisal functions that require certified appraisers in good standing. All appraisers currently licensed in Illinois will be able to maintain their current level of certification, but new applicants and current licensees wishing to upgrade their level of licensure will be required to meet the more stringent standard.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

10) Are there any proposed rulemakings pending on this Part? No

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:

Dept. of Financial and Professional Regulation
Attn: Barb Smith
320 W. Washington St., 3rd Floor
Springfield, IL 62786

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

Mike Brown
Director of Appraisal Unit
Dept. of Financial and Professional Regulation
Division of Professional Regulation
310 S. Michigan Ave., Suite 2130
Chicago, IL 60604-4278

312/793-8892 Fax#312/793-8720

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Real estate appraisal schools and small businesses that use real estate appraisers will be affected, but appraisers are required by federal law to operate under the most current version of Uniform Standards of the Professional Appraisal Practice (USPAP).

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

C) Types of professional skills necessary for compliance: Appraiser education and experience is necessary for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: None

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

DEPARTMENT OF FINANCIAL AND 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 1455
REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity
1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Expiration Date
1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)
1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice
1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education
1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Continuing Education Approval

SUBPART D: EXPERIENCE REQUIREMENTS

Section
1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
1455.190 Verification of Experience Credit
1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section
1455.210 Notification of Name Change
1455.220 Assumed Name
1455.230 Address Change; Street Address
1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

Section
1455.250 Grounds for Discipline
1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
1455.270 Additional Education; Reporting Requirements
1455.280 Administrative Warning Letter
1455.290 Cooperation Required with the Division
1455.300 Felony Convictions; Discipline of Other Professional License; Notification
1455.310 Unprofessional Conduct

SUBPART G: ADMINISTRATIVE PROVISIONS

Section
1455.320 Fees
1455.330 Granting of Variances
1455.340 Duties of the Secretary

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section
1455.350 Education Provider Application; Requirements
1455.360 Pre-License Education Course Requirements of Education Providers
1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser
1455.380 Examples of Acceptable Pre-License Education Courses
1455.390 Continuing Education Course Requirements of Education Providers
1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student
1455.410 Distance Education
1455.420 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses
1455.430 Continuing Education Reporting
1455.440 Transcript or Certificate of Completion

SUBPART I: TRANSITION PROVISIONS

Section
1455.450 Appraiser Applicants − Transition Provisions
1455.460 Education Providers, Pre-License and Continuing Education Courses − Transition Provisions

SUBPART J: HEARINGS

Section
1455.470 Applicability
1455.480 Administrative Law Judges
1455.490 Disqualification of an Administrative Law Judge

1455.APPENDIX A Caption for a Case Filed by the Division
1455.APPENDIX B Caption for a Case Filed by the Petitioner

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28,

1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. _____, effective _____.

SUBPART B: LICENSING REQUIREMENTS

Section 1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)

~~a) Any person who holds a valid State Real Estate Appraiser License, issued pursuant to a predecessor Act, may convert the license to an Associate Real Estate Appraiser License by submitting to the Division, prior to September 30, 2003:~~

~~1) A conversion application, provided by the Division and signed by the applicant, on which all questions have been answered;~~

~~2) The fee as provided by Section 1455.320; and~~

~~3) Proof of successful completion of the continuing education requirements as provided by Subpart C.~~

~~b) Any person who fails to submit a conversion application by September 30, 2003~~

~~may convert the license for a period of 2 years following the expiration date of his or her license by submitting to the Division:~~

~~1) A conversion application, provided by the Division and signed by the applicant, on which all questions have been answered;~~

~~2) The fee and late fee as provided by Section 1455.320; and~~

~~3) Proof of successful completion of the continuing education requirements as provided by Subpart C.~~

~~c) Pursuant to the Act, no initial State Licensed Real Estate Appraiser License shall be issued after June 30, 2002, and no State Licensed Real Estate Appraiser License issued pursuant to a predecessor Act shall be renewed after September 30, 2003.~~

~~d) Any person who fails to submit a conversion application pursuant to this Section within 2 years after the expiration date shall not be eligible to convert his or her license, and shall meet the requirements of a new applicant as required by the Act and this Part.~~

(Source: Repealed at 31 Ill. Reg. _____, effective _____)

SUBPART C: EDUCATION REQUIREMENTS

Section 1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

a) General − Experience Prior to July 1, 2005
An applicant for licensure as a State Certified General Real Estate Appraiser who has gained appraisal experience prior to July 1, 2005 shall file an application with the Division. All applications must be postmarked by December 31, 2007 and meet the following criteria.

1) Successfully~~Any person who makes application for a State Certified General Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully~~ complete 180 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 120 classroom hours

completed by a State Certified Residential Real Estate Appraiser licensed under the Act or the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.

2) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).

b) General − No Experience Prior to July 1, 2005

1) An applicant for licensure as a State Certified General Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2005 shall file an application with the Division and meet the following criteria.

A) A bachelor's degree or equivalent as outlined by the AQB;

B) 3000 hours of AQB appraisal experience;

C) 300 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria; and

D) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.

2) Education obtained for the rank of Certified Residential Appraiser shall not count toward the Certified General rank.

c) Residential − Experience Prior to January 1, 2006

1) An applicant for licensure as a State Certified Residential Real Estate Appraiser who has gained appraisal experience prior to January 1, 2006 shall file an application with the Division and meet the following criteria. Applications must be postmarked by December 31, 2007.

2) Successfully~~Any person who makes application for a State Certified Residential Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully~~ complete 120 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.

d) General − No Experience Prior to July 1, 2006 − Application After December 31, 2007

1) An applicant for licensure as a State Certified General Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2006 and files an application after December 31, 2007 shall meet the following criteria.

A) 2500 hours of AQB Appraisal Experience;

B) 200 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria;

C) Associates degree or equivalent as outlined by AQB; and

D) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of

the application.

2) Education obtained prior to January 1, 2008 for the rank of Certified Residential Appraiser shall not count toward the rank.

e~~c~~) Any person who makes application for an Associate Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.

f~~d~~) The Division may accept evidence of successful completion of pre-license education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB Criteria and may be in modular format for licensure after January 1, 2008. A real estate appraiser who wishes to obtain credit for pre-license education courses not licensed by the Division shall submit to the Division:

1) An application provided by the Division requesting approval for pre-license education credit, signed by the applicant, on which all questions are answered;

2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested pre-license education credit, or any other evidence to be considered by the Division; and

3) The fee as provided in Section 1455.320.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident Continuing Education Approval

a) CE Credit

1) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. Continuing education may be obtained anytime during the pre-renewal period.

2) If a real estate appraiser was issued an initial license for less than one year prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license for more than one year prior to the expiration, but less than two years, then 14 hours of approved continuing education is required. A State Licensed Real Estate Appraiser who makes application to convert his or her license to an Associate Real Estate Appraiser License pursuant to the Act and this Part shall be required to successfully complete the equivalent of 14 hours of approved continuing education per year preceding the conversion, e.g., a total of 28 hours of approved continuing education for the 2 years prior to conversion.

3) A real estate appraiser must complete a minimum of 7 hours of continuing education in coursework relative to USPAP that is approved by the AQB and taught by an AQB certified instructor during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than one year prior to the expiration date. Continuing education credit will only be accepted from education providers and courses approved by the Division.

b) CE Credit from Another Jurisdiction

1) The Division may accept evidence of successful completion of continuing education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned during the appropriate pre-renewal period. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by the Division shall submit to the Division:

A) An application provided by the Division requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;

B) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and

C) The fee as provided in Section 1455.320.

2) No more than 21~~14~~ hours of distance learning may be used to meet the continuing education requirements during any pre-renewal period. The 7 hour USPAP course required during each pre-renewal period may not be obtained through a distance learning course or program.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

a) Pursuant to Section 10-10 of the Act, the 2006~~2005~~ Uniform Standards of Appraisal Practice (USPAP), effective July 1, 2006~~January 1, 2005~~, by the Appraisal Standards Board (ASB) of the Appraisal Foundation (The Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005), are hereby incorporated by reference with no later amendments or editions.

b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).

c) All investigators, auditors and examiners employed or retained by the Division are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination. If the Division files a formal complaint, a USPAP Standard 3 review shall be utilized by the Division, except the Division may limit the scope of Standard 3 to exclude valuation.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

SUBPART G: ADMINISTRATIVE PROVISIONS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1455.320 Fees

a) Initial application fee for appraiser license.

1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Appraiser shall be $225.

2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay $75, which shall include the National Registry fee.

b) Renewal application fee for appraiser license.

1) The application fee to renew a license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or a State Licensed Real Estate Appraiser shall be calculated at $250 per year, which shall include the National Registry fees.

2) The application to renew an Associate Real Estate Appraiser License shall be calculated at $150 per year.

3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, an Associate Real Estate Appraiser, or a State Licensed Real Estate Appraiser, shall be the sum of all lapsed renewal fees plus a $50 late fee.

c) Application fee to convert a license.

1) The application fee to convert a license as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be $250.

2) The application fee to convert a license that has expired as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be $250, plus a $50 late fee.

d) Application fee for temporary practice permit.
The application fee for a temporary practice permit pursuant to the Act and this Part shall be $150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.

e) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.

1) The application fee for a license as an education provider shall be $1050, plus course application fees.

2) The application fee for a license for a pre-license course shall be $150.

3) The application fee for a license for a continuing education course shall be $100.

f) Application fee to renew a license as an education provider, a pre-license course, and a continuing education course.

1) The application fee to renew a license as an education provider shall be calculated at $550 per year.

2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a $50 late fee.

3) The application fee to renew a license as a pre-license course shall be calculated at $100 per year.

4) The application fee to renew a license that has expired as a pre-license course shall be the sum of all lapsed renewal fees plus a $50 late fee.

5) The application fee to renew a license as a continuing education course shall be calculated at $75 per year.

6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a $50 late fee.

g) For the purposes of determining if a license has expired under this Section, Department of Financial and Professional Regulation-Division of Professional

Regulation (Division) shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by the Division on a date later than the expiration date.

h) General.

1) All fees paid pursuant to the Act and this Part are non-refundable.

2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be $25.

3) The fee for a certification of a licensee's record for any purpose shall be $25.

4) The fee for a decorative wall license showing registration shall be the cost of producing the license.

5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.

6) Applicants for an examination as a State Certified Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.

7) The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be $50.

8) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.

9) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be $1 per page.

10) The Division may charge an administrative fee not to exceed $2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.280~~1455.320~~ of this Part.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section 1455.360 Pre-License Education Course Requirements of Education Providers

a) For the purposes of this Section, a course shall be defined as a course of instruction that meets the curriculum requirements of this Subpart for each license category and that is at least 15 hours in length.

b) Each course shall meet the appropriate course curriculum prescribed in Section 1455.370~~1455.400~~ of this Subpart.

c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction, e.g., a 15 hour course would require a 25 question examination, a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course unless he or she has scored a minimum of 70% on the course examination.

d) The Division shall only grant approval for courses that are a part of an overall pre-license education program for each license category; e.g., an education provider must have a 75 hour pre-license program approved for an Associate Real Estate Appraiser, a 120 hour pre-license program approved for a State Certified Residential Real Estate Appraiser, and an education provider must have a 180 hour pre-license education program approved for a State Certified General Real Estate Appraiser. The Illinois Appraisal Division will not review or recommend any course to the Board that consists of integrated course content not equaling a full module.

e) Each education provider who seeks approval of a course shall submit to the Division an application on forms provided by the Division, which shall include,

but is not limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee pursuant to Section 1455.320.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1455.380 Examples of Acceptable Pre-License Education Courses

a) Examples of an acceptable Associate Real Estate Appraiser pre-license program and courses include:

1) Basic real estate appraisal principles, 30 hours.

A) Real property concepts and characteristics

i) Basic real property concepts

ii) Real property characteristics

iii) Legal description

B) Legal consideration

i) Forms of ownership

ii) Public and private controls

iii) Real estate contract

iv) Lease

C) Influences on real estate values

i) Governmental

ii) Economic

iii) Social

iv) Environmental, geographic and physical

D) Types of value

i) Market value

ii) Other value types

E) Economic principles

i) Classic economic principles

ii) Application and illustration of economic principles

F) Overview of real estate markets and analysis

i) Market fundamentals, characteristics and definitions

ii) Supply side analysis

iii) Demand analysis

iv) Use of market analysis

G) Ethics and how they apply in appraisal theory and practice

2) Basic appraisal procedures, 30 hours~~.~~

A) Overview of approaches to value

B) Valuation procedures

i) Defining the problem

ii) Collecting and selecting data

iii) Analyzing ~~data~~
~~Sales comparison approach~~
~~Valuation and cost approach~~
~~Income approach~~

iv) Reconciling and final value opinion

v) Communicating~~Writing and communicating~~ the appraisal report

C~~B~~) Property description

i) Geographic characteristics of the land/site

ii) Geologic characteristics of the land/site

iii) Location and neighborhood~~Neighborhood~~ characteristics~~ of the land/site~~

iv) Land/site considerations for highest~~Highest and best use considerations of the land/site~~

v) Improvements

D) Residential applications

3) The 15-hour National USPAP course or its equivalent~~Uniform Standards of Professional Appraisal Practice (USPAP) that is approved by the AQB and taught by an AQB certified instructor~~, 15 hours~~.~~
~~Introduction and general provisions~~

A) Preamble and ethics rules

B) Standard 1

C~~B~~) Standard 2

D~~C~~) Standards 3 through 10

E~~D~~) Statements and advisory opinions

4) Residential market analysis and highest and best use, 15 hours

A) Residential markets and analysis

i) Market fundamentals, characteristics and definitions

ii) Supply analysis

iii) Demand analysis

iv) Use of market analysis

B) Highest and best use

i) Test constraints

ii) Application of highest and best use

iii) Special considerations

iv) Market analysis

v) Case studies

5) Residential appraiser site valuation and cost approach, 15 hours

A) Site valuation

i) Methods

ii) Case studies

B) Cost approach

i) Concepts and definitions

ii) Replacement/reproduction cost new

iii) Accrued depreciation

iv) Methods of estimating accrued depreciation

v) Case studies

6) Residential sales comparison and income approaches, 30 hours

A) Valuation principles & procedures – sales comparison approach

B) Valuation principles & procedures – income approach

C) Finance and cash equivalency

D) Financial calculator introduction

E) Identification, derivation and measurement of adjustments

F) Gross rent multipliers

G) Partial interests

H) Reconciliation

I) Case studies and applications

7) Residential report writing and case studies, 15 hours

A) Writing and reasoning skills

B) Common writing problems

C) Form reports

D) Report options and USPAP compliance

E) Case studies

8) Statistics, modeling and finance, 15 hours

A) Statistics

B) Valuation models (AVMs and mass appraisal)

C) Real estate finance

9) Advanced residential applications and case studies, 15 hours

A) Complex property, ownership and market conditions

B) Deriving and supporting adjustments

C) Residential market analysis

D) Advanced case studies

10) General appraiser market analysis and highest and best use, 30 hours

A) Residential estate markets and analysis

i) Market fundamentals, characteristics and definitions

ii) Supply analysis

iii) Demand analysis

iv) Use of market analysis

B) Highest and best use

i) Test constraints

ii) Application of highest and best use

iii) Special considerations

iv) Market analysis

v) Case studies

11) General appraiser sales comparison approach, 30 hours

A) Value principles

B) Procedures

C) Reconciliation

D) Case studies

12) General appraiser site valuation and cost approach, 30 hours

A) Site valuation

i) Methods

ii) Case studies

B) Cost approach

i) Concepts and definitions

ii) Replacement/reproduction cost new

iii) Accrued depreciation

iv) Methods of estimating accrued depreciation

v) Case studies

13) General appraiser income approach, 60 hours

A) Overview

B) Compound interest

C) Lease analysis

D) Income analysis

E) Vacancy and collection loss

F) Reconstructed income and expense statement

G) Stabilized net operating income estimate

H) Direct capitalization

I) Discounted case flow

J) Yield capitalization

K) Partial interests

L) Case studies

14) General appraiser report writing and case studies, 30 hours

A) Writing and reasoning skills

B) Common writing problems

C) Report options and USPAP compliance

D) Case studies

~~b) Examples of an acceptable State Certified Residential Real Estate Appraiser pre-license program and courses include:~~

~~1) The instruction and courses described in subsection (a) of this Section, 75 hours.~~

~~2) Appraisal approaches, 30 hours.~~

~~A) Comparison approach~~

~~i) Value principles~~

~~ii) Procedure~~

~~iii) Identification and measurement of adjustments~~

~~iv) Reconciliation~~

~~v) Case studies~~

~~B) Valuation and cost approach~~

~~i) Site valuation~~
~~Methods~~
~~Land value considerations~~
~~Case studies~~

~~ii) Cost approach~~
~~Concepts and definitions~~
~~Replacement/reproduction cost~~
~~Accrued depreciation~~
~~Estimating accrued depreciation~~
~~Case studies~~

~~C) Income approach~~

~~i) Overview~~

~~ii) Estimating stabilized net operating income~~

~~iii) Direct capitalization~~

~~iv) Discounted cash flow~~

~~v) Partial interests~~

~~vi) Case studies~~

~~3) Appraisal statistics, valuation cores, finance, USPAP update and report writing, 15 hours.~~

~~A) Appraisal statistics~~

~~B) Valuation cores~~

~~C) Real estate finance~~

~~D) USPAP updates~~

~~E) Appraisal report writing~~

~~i) Writing and reasoning skills~~

~~ii) Writing problems~~

~~iii) Report writing and USPAP compliance~~

~~iv) Case studies~~

~~c) Examples of an acceptable State Certified General Real Estate Appraiser pre-license program and courses include:~~

~~1) The instruction and courses described in subsection (b) of this Section, 120 hours.~~

~~2) Market analysis and highest and best use, 15 hours.~~

~~A) Real estate markets and analysis~~

~~i) Market fundamentals, characteristics and definitions~~

~~ii) Supply side analysis~~

~~iii) Demand analysis~~

~~iv) Use of market analysis~~

~~B) Highest and best use~~

~~i) Test constraints~~

~~ii) Application of highest and best use~~

~~iii) Special considerations~~

~~iv) Market analysis~~

~~v) Case studies~~

~~3) Appraisal income approach, 15 hours.~~

~~A) Overview~~

~~B) Lease analysis~~

~~C) Estimating potential gross income~~

~~D) Vacancy and collection loss~~

~~E) Estimating operating expenses and reserves~~

~~F) Reconstructed income and expense statement~~

~~G) Stabilized net operating income estimate~~

~~H) Direct capitalization~~

~~I) Discounted cash flow~~

~~J) Yield capitalization~~

~~K) Partial interests~~

~~L) Case studies~~

~~4) Report writing, 15 hours.~~

~~A) Writing and reasoning skills~~

~~B) Common writing problems~~

~~C) Report options and USPAP compliance~~

~~D) Case studies~~

~~5) Elective course, 15 hours.~~

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1455.390 Continuing Education Course Requirements of Education Providers

a) A continuing education course shall be at least 2 hours in length and shall meet the course curriculum prescribed in Section 1455.400~~1455.440~~ of this Subpart.

b) Each education provider who seeks approval of a continuing education course shall submit to the Division an application that shall include, but not limited to, an outline and description of the course and the number of hours sought and the appropriate fee pursuant to Section 1455.320.

c) An education provider who also offers pre-license education courses may submit pre-license courses for continuing education courses by submitting an application pursuant to subsection (b) of this Section. Only those pre-license courses that have been approved and licensed by the Division as continuing education courses shall be approved for continuing education credit.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1455.420 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses

a) All education provider and pre-license and continuing education course licenses shall expire on December 31 of even numbered years.

b) Every education provider who wishes to renew his, her or its license and pre-license and continuing education course licenses shall submit to the Division:

1) an application, provided by the Division, in which all questions have been answered;

2) any course materials must be submitted to~~requested by~~ the Division for review during the renewal application process; and

3) the fees as required by Section 1455.320.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: General Administrative Provisions

2) Code Citation: 89 Ill Adm. Code 10

3) Section Number: 10.410 Proposed Action: Amendment

4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is the result of an administrative decision to apply for a Food Stamp Participation Grant to develop and implement a web-based application for cash, medical and food stamps, and an automated phone interview system for redeterminations. This rulemaking provides that DHS web applications submitted and received electronically over the Internet will not require a signature to begin the application process for cash and medical assistance. However, a signature will be required to authorize cash and medical benefits. An electronic signature will be used for food stamp applications submitted and received electronically.

Companion amendments are also being proposed to 89 IAC 112 and 89 IAC 121.

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

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning 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:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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: July 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 a: GENERAL PROGRAM PROVISIONS

PART 10
GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section
10.101 Incorporation by Reference
10.110 Applicability
10.120 Definitions
10.130 Assistance Programs
10.140 Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section
10.210 Rights of Clients
10.220 Nondiscrimination
10.225 Grievance Rights of Clients
10.230 Confidentiality of Case Information
10.235 Case Records
10.250 Reporting Change of Circumstances
10.263 Reporting Child Abuse/Neglect
10.268 Reporting Elder Abuse/Neglect
10.270 Notice to Client
10.280 Right to Appeal
10.281 Continuation of Assistance Pending Appeal
10.282 Time Limit for Filing an Appeal
10.283 Examining Department Records
10.284 Child Care
10.290 Voluntary Repayment of Assistance
10.295 Correction of Underpayments
10.300 Recovery of Assistance
10.310 Estate Claims
10.320 Real Property Liens
10.330 Filing and Renewal of Liens
10.340 Foreclosure of Liens

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

10.350 Release of Liens
10.360 Personal Injury Claims
10.370 Convictions of Fraud – Eligibility
10.380 Single Conviction of Fraud – Administrative Review Board

SUBPART C: APPLICATION PROCESS

Section
10.410 Application for Assistance
10.415 Local Office Action on Application for Public Assistance
10.420 Time Limitations on the Disposition of an Application
10.430 Approval of an Application and Initial Authorization of Financial Assistance
10.438 General Assistance Approval Provisions
10.440 Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. 18153, effective November 30, 2000; amended at 25 Ill. Reg. 7170, effective May 24, 2001; amended at 28 Ill. Reg. 1083, effective December 31, 2003; amended at 28 Ill. Reg. 5650, effective March 22, 2004; amended at 29 Ill. Reg. 8148, effective May 18, 2005; amended at 31 Ill. Reg. _____, effective _____.

SUBPART C: APPLICATION PROCESS

Section 10.410 Application for Assistance

a) An application is a ~~signed~~ request for assistance on a Department of Human Services (Department) form or a DHS web application submitted electronically that~~which~~ has been completed to the best of the client's knowledge and ability.

b) The application must contain a name, address, and signature (or signatures). A web application submitted and received electronically over the Internet does not require a signature to begin the application process for cash and medical assistance, but is required to authorize cash and medical benefits. An electronic signature is used for food stamp applications submitted and received

electronically. If the application does not contain a name, address, and signature (or signatures), the local office shall return the application to the sender to obtain the missing information.

1) If a person is homeless, he or she may use the address of a friend or relative, supervised shelter, church, halfway house, or similar facility.

2) If a person is homeless and does not have a permanent address, he or she may use the address of the local office that is closest to where he or she is living.

c) The application must be signed by the applicant with the following exceptions:

1) When a conservator has been appointed for the applicant, the conservator must sign the application.

2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly on behalf of the applicant.

3) When application is made on behalf of a child, the child's caretaker must sign the application.

4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act on his or her behalf.)

d) Application for medical assistance may be made on behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.

e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.

f) The date of application shall be the date a completed application is received by the local office serving the area of the State in which the applicant lives, with the following exceptions:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) For applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally-qualified health center, the date the application is signed by the applicant shall be the date of application.

2) When an application is faxed to a local office or a web application is submitted and received over the Internet after 5:00 P.M. on a workday, or on a weekend or holiday, the application date is the next workday following the date the application is received in the local office.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill Adm. Code 112

3) Section Number: 112.320 Proposed Action: Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]

5) A Complete Description of the Subjects and Issues involved: This rulemaking is the result of an administrative decision to apply for a Food Stamp Participation Grant to develop and implement a web-based application for cash, medical and food stamps, and an automated phone interview system for redeterminations. This rulemaking removes the requirement that the client must be present at least once in a 12-month period from the Redetermination of Eligibility provisions.

Companion amendments are also being proposed to 89 IAC 10 and 89 IAC 121.

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

11) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning 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

NOTICE OF PROPOSED AMENDMENT

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: July 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 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

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

SUBPART E: PROJECT ADVANCE

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

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART H: PAYMENT AMOUNTS

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

SUBPART I: OTHER PROVISIONS

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

SUBPART J: CHILD CARE

Section
112.350 Child Care (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

SUBPART K: TRANSITIONAL CHILD CARE

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

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency

amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency

amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989;

amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996;

amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a

maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. _____, effective _____.

SUBPART I: OTHER PROVISIONS

Section 112.320 Redetermination of Eligibility

a) It is the Department's responsibility to determine the continued eligibility of all recipients of assistance and it is the recipient's responsibility to cooperate in the redetermination of eligibility. A redetermination of eligibility shall be conducted ~~consistent with the Responsibility and Services Plan on an as needed basis but~~ at least once in a 12-month period.~~Once in a 12-month period there shall be a redetermination of eligibility and revision of the Responsibility and Services Plan with the client who must be present.~~ Failure to cooperate in the redetermination of eligibility process, without good cause, will result in ineligibility. Examples of good cause include, but are not limited to:

1) death in the family;

2) illness or incapacity of the client or his or her child or children;

3) family crisis;

4) unexpected emergency;

5) breakdown in transportation;

6) inclement weather;

7) if the client is employed, a conflict in the client's work schedule; or

8) a conflicting court and/or administrative hearing appearance.

b) When information of a change in a client's circumstances is received by the local office and the review and redetermination process results in a decision that a client is eligible for an increased amount of financial assistance, the Department shall mail the increased amount of assistance payment no later than 45 calendar days from the date that the local office initially received the information.

c) When a delay in the verification of the change in circumstances is caused by the

client, the 45 calendar day period may be extended by one day for each day of delay by the client.

d) When the client fails to provide the required verification or verifications or fails to cooperate in the review and redetermination process, the 45 calendar day limitation is not applicable.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill Adm. Code 121

3)

Section Numbers:	Proposed Action:
121.1	Amendment
121.10	Amendment
121.125	Amendment

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 apply for a Food Stamp Participation Grant to develop and implement a web-based application for cash, medical and food stamps and an automated phone interview system for redeterminations. This rulemaking establishes that for persons completing a redetermination using the phone interview system, the automated phone interview will substitute for the face-to-face interview.

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? Yes

Section Number	Proposed Action	Illinois Register Citation
121.8	New Section	30 Ill. Reg. 16173; 10/13/06

11) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning 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: July 2006

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED 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 PROPOSED 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)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED 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

NOTICE OF PROPOSED AMENDMENTS

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 PROPOSED 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; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October

16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17

Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART A: APPLICATION PROCEDURES

Section 121.1 Application for Assistance

a) An application for food stamps is a written request containing the client's name, address and signature. An electronic signature is created when a web application is submitted and received via the Internet or a redetermination is completed using the phone interview system.

b) An application is required for initial certification and subsequent certification. For subsequent certifications see Section 121.120.

c) General Assistance (GA) households in the City of Chicago shall make application to the local GA unit.

d) An application for food stamp program participation may be made by the head of the household, spouse, another household member or an adult non-household member designated by the household as an authorized representative. When a food stamp household also files an application for a Public Assistance cash grant under TANF (Temporary Assistance for Needy Families)~~the AFDC (Aid to Families With Dependent Children)~~, AABD (Aid to the Aged, Blind or Disabled),

Refugee or GA Programs, the grantee for the Public Assistance case shall be the head of the food stamp household.

e) If other household members are not available to make application due to employment, health problems, transportation problems, care of a household member, etc., a responsible adult outside the household may be designated as an authorized representative if the following conditions exist:

1) The head of household, spouse or other responsible family members cannot be interviewed;

2) The authorized representative has been designated in writing by the head of the household or the spouse, and is sufficiently aware of relevant household circumstances.

f) The head of the household shall be held liable for any overissuance which results from erroneous information given on an application by the authorized representative except in instances of participants in drug addiction or alcoholic treatment centers. The center is responsible for misrepresentation or fraud which it knowingly commits in the certification of center residents.

g) For residents of public or private non-profit drug addiction or alcoholic treatment centers, or residents of small group living arrangements, the facility will assign an authorized representative to apply in behalf of each resident. This provision is applicable only when the facility has been authorized by the United States Department of Agriculture to accept food stamps in accordance with 7 CFR 278.1 and 278.2(g) (2005~~1987~~, with no later additions or amendments).

h) When the eligible members of a household are all unemancipated minors and the only adult is an ineligible alien, the ineligible alien may make application as head of the household in behalf of the eligible minors in the household. (Ineligible aliens applying as head of household will be responsible for any misrepresentation or fraud committed in the certification of the household and will sign the application as head of household, not as authorized representative.)

i) Homeless meal providers cannot act as an authorized representative for homeless food stamp applicants or recipients.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 121.10 Interviews

a) All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a food stamp office with a qualified eligibility worker prior to initial certification and all redeterminations. For earned income households, an interview is required at every other redetermination (see Section 121.125). For persons completing a redetermination using the phone interview system, the automated phone interview substitutes for the face-to-face interview.

b) Interview Process

1) The individual interviewed may be the head of the household, spouse, any other adult member of the household who is sufficiently familiar with the household's circumstances to be able to assist in the determination of eligibility, or an authorized representative (see Section 121.1(e)(1) and (2)). The applicant may bring any person he/she chooses to the interview. Prior to beginning the interview, the applicant shall indicate which persons are not applying for food stamps because they are unable or unwilling to provide alien status verification.

2) The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information.

3) Households shall be advised of their rights and responsibilities during the interview, including the appropriate applications processing standard (see Sections 121.2 and 121.7) and the household's responsibility to report changes.

4) The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.

c) Waiver of Office Interviews

1) The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because they are qualifying members as defined in Section 121.61.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

2) The office interview shall also be waived on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because of transportation difficulties or similar hardships which the Department determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to:

A) illness;

B) care of household member;

C) hardships due to residency in a rural area;

D) prolonged severe weather;

E) work or training hours which prevent the household from participating in an in-office interview.

3) The Department shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the office interview and shall document in the case file why a request for a waiver was granted or denied.

4) The Department has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household. However, a home visit interview for redetermination of eligibility for financial assistance/recertification does not have to be scheduled with the household in advance.

5) Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.

6) Waiver of the face-to-face interview shall not affect the length of the household's certification period.

d) The Department shall schedule all interviews as promptly as possible to ensure the eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the scheduled interview, the Department will issue a Notice of Missed Interview that will inform the household that the household missed its scheduled interview and that the household is responsible for requesting another interview.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.125 Redetermination of Earned Income Households

a) Food stamp households with a member who has earned income (see Section 121.40(b)), except for those households defined in subsection (b) of this Section, are redetermined every six months. The six-month redeterminations alternate between a face-to-face interview and a mail-in redetermination form. If an incomplete mail-in redetermination form is received, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to complete the form. If a household chooses to complete its redetermination using the automated phone interview system, a unique confirmation number will verify that the phone interview application was completed and received by the Department.

b) The following households are not earned income households:

1) migrant households in the migrant job stream;

2) persons who receive income from sheltered workshops; and

3) households with persons who receive Aid to the Aged, Blind or Disabled (see 89 Ill. Adm. Code 113), unless another household member has earned income.

c) Earned income households have their benefits calculated prospectively for six months. Income averaging is used to determine the amount of income to budget for the next six months, based on the income received during the fiscal months before the last month of the approval period.

d) During the six months between redeterminations, the household is only required

to report when gross income exceeds the household's gross income limit (130% of the Federal Poverty Level).

e) For any reported change that results in an increase in benefits, benefits are increased for the fiscal month following the fiscal month of report. If benefits decrease as a result of the reported change, benefits are decreased for the first month that can be affected following the end of the 10-day timely notice period.

f) For other redetermination rules, see Section 121.120.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Healthcare Purchasing Program

2) Code Citation: 89 Ill. Adm. Code 180

3)

Section Numbers:	Proposed Action:
180.1	New Section
180.2	New Section
180.3	New Section
180.4	New Section
180.11	New Section
180.12	New Section
180.13	New Section
180.14	New Section
180.21	New Section
180.22	New Section
180.23	New Section

4) Statutory Authority: Executive Order #3 (2005), which is authorized by the Illinois Constitution, Act V, Section 11 and the Executive Reorganization Implementation Act [15 ILCS 15], and the State Employee Group Insurance Act of 1971 [5 ILCS 375], the Civil Administrative Code of Illinois (Department of Central Management Services Law) [20 ILCS 405], the Department of Human Services Act [20 ILCS 1305], the Department of Veterans Affairs Act [20 ILCS 2805], the Unified Code of Corrections [730 ILCS 5], PA 93-18, PA 93-1036 and PA 94-696.

5) Complete Description of the Subjects and Issues Involved: This rule establishes the "Healthcare Purchasing Program" in accordance with the portion of Executive Order #3 (2005) that provided for the transfer of powers, duties, rights, and responsibilities related to healthcare purchasing from certain individual executive agencies (CMS, IDOC, DHS, and DVA) to HFS. Department functions include, but are not limited to, healthcare procurement development and negotiation; contract development, implementation and fiscal monitoring; contract amendments and vendor payments.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

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 does not affect units of local government.

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

Tamara Tanzillo Hoffman
Chief of Administration and Rules
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

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

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

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: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for this rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER g: HEALTHCARE PROCUREMENT

PART 180
HEALTHCARE PURCHASING PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
180.1 Authority
180.2 Purpose and Scope
180.3 Definitions
180.4 Policy

SUBPART B: ADMINISTRATIVE REQUIREMENTS

Section
180.11 Interagency Agreement between Departments of Central Management Services and Healthcare and Family Services
180.12 Interagency Agreement between Departments of Corrections and Healthcare and Family Services
180.13 Interagency Agreement between Departments of Human Services and Healthcare and Family Services
180.14 Interagency Agreement between Departments of Veterans Affairs and Healthcare and Family Services

SUBPART C: OTHER ADMINISTRATIVE RESPONSIBILITIES

Section
180.21 Reporting Requirements
180.22 Legislation
180.23 Health Insurance Portability and Accountability Act (HIPAA)

STATUTORY AUTHORITY: Executive Order #3 (2005), which is authorized by the Illinois Constitution, Art. V, Section 11 and the Executive Reorganization Implementation Act [15 ILCS 15]; the State Employee Group Insurance Act of 1971 [5 ILCS 375]; the Department of Central Management Services Law [20 ILCS 405]; the Department of Human Services Act [20 ILCS 1305]; the Department of Veterans Affairs Act [20 ILCS 2805]; the Unified Code of Corrections [730 ILCS 5]; Public Act 93-18; Public Act 93-1036; and Public Act 94-696.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

SOUCE: Adopted at 31 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 180.1 Authority

This Part implements the portion of Executive Order #3 that provided for the transfer of powers, duties, rights, and responsibilities related to healthcare purchasing from individual executive agencies to the Department of Healthcare and Family Services, as follows:

> Effective July 1, 2005 the respective powers, duties, rights and responsibilities related to State Healthcare Purchasing were transferred from Department of Central Management Services, Department of Corrections, Department of Human Services and Department of Veterans Affairs to Healthcare and Family Services. The statutory powers, duties, rights and responsibilities of CMS, DOC, DHS and DVA associated with State Healthcare Purchasing derive primarily from 5 ILCS 375, 20 ILCS 405, Public Act 93-18, Public Act 93-1036, 730 ILCS 5/Art. III, 20 ILCS 1305 and 20 ILCS 2805, respectively. The functions associated with State Healthcare Purchasing intended to be transferred hereby include, without limitation, rate development and negotiation with hospitals, physicians and managed care providers; health care procurement development; contract implementation and fiscal monitoring; contract amendments; payment processing; and purchasing aspects of health care plans administered by the State on behalf of (i) State employees, including the quality health plan, managed care health plan, vision plan, pharmacy benefits plan, dental plan, behavioral health plan, employee assistance plan, utilization management plan, hospital bill audits and various subrogation arrangements, as well as purchasing and administration of influenza shots, hepatitis B vaccinations and tuberculosis tests, (ii) non-State employees, including the retired teachers' health insurance plan, the local government health insurance plan, the community colleges health insurance plan, the Illinois Prescription Discount Drug program and the active teacher prescription program, and (iii) residents of State-operated facilities, including DOC adult correctional and DJJ youth facilities, DHS mental health centers, developmental centers and rehabilitation centers, and DVA veterans homes.

Section 180.2 Purpose and Scope

The Office of Healthcare Purchasing (OHP) has been established to carry out the functions associated with State Healthcare Purchasing as identified in Executive Order #3 (2005). These functions include, but are not limited to, healthcare procurement development and negotiation; contract development, implementation and fiscal monitoring; contract amendments; and vendor payments.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

Section 180.3 Definitions

"CGFA" means the Commission on Government Forecasting and Accountability.

"CMS" means the Department of Central Management Services.

"Department" or "HFS" means the Department of Healthcare and Family Services.

"DHS" means the Department of Human Services.

"Director" means the Director of Healthcare and Family Services.

"DJJ" means the Department of Juvenile Justice.

"DOC" means the Department of Corrections.

"DVA" means the Department of Veterans Affairs.

"Employee Benefits Program" means the program for health benefits and other employee benefits authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375].

"Executive Order #3" means the Executive Order #3 (2005) issued by the Governor that transferred the responsibility for certain healthcare procurement and administration functions to the Department of Healthcare and Family Services. The Illinois Constitution provides that such orders carry a governor's authority under law.

"Fiscal Year" means the State Fiscal Year from July 1 through June 30.

"Health Plan" means health benefits coverage offered by the program for eligible persons.

"Interagency Agreement" means an agreement with HFS and the respective agencies as provided in Executive Order #3.

"Medical Assistance Program" means the program administered by the Department under Articles V and VI and Section 12-4.35 of the Illinois Public

Aid Code [305 ILCS 5] and Titles XIX and XXI of the Social Security Act (42 USC 1396).

"OHP" means the Office of Healthcare Purchasing within the Department of Healthcare and Family Services.

"State" means the State of Illinois.

"Vendor" is an organization, company, or other entity designated by the Director to perform duties related to the administration of a specific health plan in accordance with the terms of the contract between the organization, company or other entity and HFS.

Section 180.4 Policy

The Office of Healthcare Purchasing will be administered using policies established by the Director and contained in OHP policy documents and located in the Illinois Procurement Code [30 ILCS 500].

SUBPART B: ADMINISTRATIVE REQUIREMENTS

Section 180.11 Interagency Agreement between Departments of Central Management Services and Healthcare and Family Services

HFS responsibilities:

a) Healthcare procurement development and negotiation; contract development, implementation and fiscal monitoring; contract amendments and vendor payments for programs administered by CMS.

b) Establish inter-governmental agreements with local health departments and State Universities for purchasing and administering influenza vaccinations for State employees, retirees and university staff each year, as required under the AFSCME bargaining agreement.

c) Purchase tuberculosis tests and hepatitis B vaccinations for State employees, as required under the AFSCME bargaining agreement.

d) Provide contract administration for the Illinois Prescription Drug Discount Program available to Illinois residents.

e) Maintain fiscal operations in compliance with: Comptroller's Statewide Accounting Management System (SAMS), HFS Fiscal Operations Procedures, the State Employees Group Insurance Act of 1971 [5 ILCS 375], the State Finance Act [30 ILCS 105], the Illinois Insurance Code [215 ILCS 5/368a] as authorized by Section 6.12 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/6.12], Generally Accepted Accounting Principles (GAAP) and the Internal Revenue Code (26 USC).

f) Provide a designated liaison for regular interagency communications with CMS.

Section 180.12 Interagency Agreement between Departments of Corrections and Healthcare and Family Services

HFS responsibilities:

a) Procure and administer healthcare contracts to provide services to inmates authorized by federal and State laws and regulations.

b) Negotiate, procure, and monitor contracts with healthcare providers for the rendering of services authorized by federal and State laws and regulations at the applicable rates under the Medical Assistance Program.

c) Process payments to healthcare providers for services authorized by federal and State laws and regulations rendered to inmates for inpatient hospitalization and outpatient institutional services.

d) Furnish DOC and DJJ, on a timely and regular basis, such data, reports and information as may be necessary to ensure that DOC and DJJ satisfy State and federal requirements governing medical services authorized by federal and State laws and regulations.

e) Work cooperatively to transition healthcare services for juvenile offenders from DOC to DJJ. HFS will procure the healthcare services administered to juvenile offenders through the DOC Shared Services Agreement and the DOC/HFS contracts for healthcare services.

f) Provide a designated liaison for regular interagency communications with DOC and DJJ.

Section 180.13 Interagency Agreement between Departments of Human Services and Healthcare and Family Services

HFS responsibilities:

a) Pending the transition to HFS of the functions identified in Executive Order #3, assist with healthcare procurement development and negotiation; contract development, implementation and fiscal monitoring; and contract amendments for residents in DHS facilities.

b) Work closely with DHS staff to meet all financial reporting requirements in accordance with Executive Order #3 and any other applicable federal and State laws and regulations.

c) Provide a designated liaison from the central administrative office for regular interagency communications with DHS.

Section 180.14 Interagency Agreement between Departments of Veterans Affairs and Healthcare and Family Services

HFS Responsibilities:

a) Assist in non-federally funded healthcare procurements for residents of DVA homes.

b) Provide a designated liaison for regular interagency communications with DVA.

SUBPART C: OTHER ADMINISTRATIVE RESPONSIBILITIES

Section 180.21 Reporting Requirements

a) The Department shall report to the General Assembly pursuant to the requirements of the Executive Reorganization Implementation Act [15 ILCS15/11]. This report shall include data regarding the effect of the reorganization on operational and fiscal efficiencies, an analysis of the effect of the reorganization on State government, and HFS' recommendations for further legislation relating to the reorganization.

b) The Department shall report and provide information on the status of the Employee Benefits Program administered by OHP to CGFA each year, as

required by the State Employees Group Insurance Act of 1971 [5 ILCS 375/5] and P.A. 93-0839.

Section 180.22 Legislation

Monitor and review legislation that relates to healthcare purchasing to determine policy and/or fiscal impact.

Section 180.23 Health Insurance Portability and Accountability Act (HIPAA)

Comply, when applicable, with the provisions of the Administrative Simplification subtitle of the Health Insurance Portability and Accountability Act (HIPAA), PL 104-191, and the rules promulgated thereunder, primarily related to the use and disclosure of protected health information and the security of electronic protected health information.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The "Grow Your Own" Teacher Education Initiative

2) Code Citation: 23 Ill. Adm. Code 60

3)

Section Numbers:	Proposed Action:
60.20	Amendment
60.80	Repeal
60.90	Amendment
60.100	Amendment

4) Statutory Authority: 110 ILCS 48/90

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking responds to P.A. 94-979, as well as incorporating some revisions that are based upon the agency's experience with implementing the "Grow Your Own" program.

Several aspects of the program have been revised by the recent legislative action. In particular, the existing cap on the number of programs that could operate (10) has been removed. The amended Grow Your Own Teacher Education Act now also provides for partial forgiveness of the loans by which members of each cohort are enabled to complete teacher preparation programs. This necessitates some additional rule language to address partial completion of the five-year teaching commitment.

Further, the statute now includes a provision permitting ISBE to waive or defer individuals' obligation to repay amounts loaned. The new material in Section 60.100(f) lays out the circumstances in which waivers and deferrals should be available.

One additional change in the law was to eliminate the possibility for participants to be trained at the master's degree level. This restriction is reflected in the definition of "Cohort" set forth in Section 60.20.

As implementation of this program has gotten under way, it has become clear that some of the tasks now assigned to the four-year institutions of higher education may not be reasonable to expect. To the extent that these are not imposed by the law, we have revised the rules to address the situations differently. First, the expenses that will be considered as part of candidates' loans will be limited to "direct expenses" as that term is now defined. By virtue of the definition, all these amounts will be incurred in a direct relationship with the participating institution of higher education, making it more feasible for them to be tracked and reported to ISBE. Along the same lines, provisions have been

added to account for the role of two-year institutions where those are participating and to place tracking responsibilities on them while candidates are involved with them.

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

7) Will these 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 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: Some of the community organizations that elect to participate in eligible consortia under this program may be not-for-profit corporations.

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

C) Types of professional skills necessary for compliance: None

14) This rulemaking was not included in either of the 2 most recent agendas because: Public Act 94-979 was not signed into law until June 30, i.e., several days after the July 2006 Regulatory Agenda had been submitted.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 60
THE "GROW YOUR OWN" TEACHER EDUCATION INITIATIVE

Section

60.10 Purpose
60.20 Definitions
60.30 Eligible Applicants
60.40 Implementation Grants – Procedure and Content of Proposals
60.50 Implementation Grants – Criteria for the Review of Proposals
60.60 Implementation Grants – Allocation of Funds
60.70 Continuation of Implementation Funding
60.80 Implementation Funding for "Transitional Projects" (Repealed)
60.90 Planning Grants
60.100 Loans; Waiver or Deferral of Repayment

AUTHORITY: Implementing the Grow Your Own Teacher Education Act [110 ILCS 48] and authorized by Section 90 of the Act [110 ILCS 48/90].

SOURCE: Adopted at 30 Ill. Reg. 1850, effective January 24, 2006; amended at 31 Ill. Reg. _____, effective _____.

Section 60.20 Definitions

"Act" means the Grow Your~~Our~~ Own Teacher Education Act [110 ILCS 48].

"Applicant" means a consortium or a potential consortium, as applicable, as described in Section 60.30 of this Part.

"Candidate" means a person working toward a bachelor's degree qualifying that individual for a teaching certificate who is assisted under a grant awarded to a consortium pursuant to this Part.

"Cohort" means a group of students preparing for a teaching certificate who, pursuant to Sections 20 and 25 of the Act, begin receiving assistance under this Part together. No member of any cohort may hold a bachelor's degree at the time

of entry into the program, provided that this restriction shall not apply to members of cohorts for whose preparation funding was granted during Fiscal Year 2006.

"Consortium" means an entity to which the State Board can issue grants under this Part. A consortium shall be composed of at least one 4-year institution of higher education with an accredited teacher education program, at least one school district or group of schools, and one or more community organizations. The consortium may also include a 2-year institution of higher education and/or a school employee union. Eligible consortia are further defined in Section 20 of the Act. A consortium shall implement ~~and manage~~ a program of forgivable loans to cover any portion of tuition and direct expenses of students preparing for teaching certificates in excess of grants-in-aid and other forgivable loans received.

"Direct expenses" are an individual's tuition for coursework required for completion of the preparation program in which the candidate is or will be enrolled, fees related to participation in the preparation program or required coursework, and expenses for books and other necessary instructional materials.

"Hard-to-staff school" is an Illinois public school that ranks in the upper third among public schools of its type (e.g., elementary, middle, secondary) in terms of the rate of attrition among teachers.

"Hard-to-staff teaching position in a school serving a substantial percentage of low-income students" is any position in a school that meets the criterion stated in Section 10 of the Act that is identified as hard to staff by the responsible official of the school district.

"Institution" means an institution of higher education.

"Potential consortium" is a group of entities that is eligible to submit a proposal for a planning grant in response to an RFP issued under this Part.

"Student with a non-traditional background" is either one who begins a baccalaureate program at a point in time other than immediately following graduation from high school or one who began a baccalaureate program after high school, did not complete it, and re-enters a baccalaureate program after some passage of time.

"Year of service" means full-time employment for at least half a school year, or an equivalent amount of part-time employment, in:

a public school that, at the time the individual becomes employed, is either one of the schools targeted by the program completed by the individual with assistance under this Part or another school that is defined as hard to staff in Section 10 of the Act; or

a teaching position that, at the time the individual becomes employed, is hard to staff as defined in Section 10 of the Act.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 60.80 Implementation Funding for "Transitional Projects" (Repealed)

~~During Fiscal Year 2006, the State Superintendent of Education will invite proposals as described in Section 60.40 of this Part from existing entities already engaged in teacher preparation initiatives whose principal features are congruent with those required by Section 20 of the Act. One or more entities whose proposals demonstrate that an eligible consortium exists and that a cohort of eligible candidates is being prepared for service in hard-to-staff positions or schools may receive implementation funding in accordance with an approved proposal and budget, depending upon the preparation status of the candidates, the amounts requested, and the availability of funding.~~

(Source: Repealed at 31 Ill. Reg. _____, effective _____)

Section 60.90 Planning Grants

In order to identify potential consortia with a substantial likelihood of establishing additional Grow Your Own programs, the State Superintendent of Education will issue an RFP for planning grants. The RFP may be issued repeatedly, contingent upon the availability of funding~~, until the maximum number of consortia permitted under Section 20 of the Act has been established~~. Each RFP shall indicate the maximum amount to be reserved for planning grants and the maximum available amount per grant. The RFP shall specify the information that proposals must include and a deadline for their submission, which shall provide no fewer than 30 calendar days in which to submit proposals.

a) Eligible applicants for planning grants shall be as set forth in Section 60.30 of this Part.

b) Allowable uses of planning grant funds shall include:

1) activities that are designed to secure the participation and commitment of the required members and the optional members of a consortium; and

2) activities that are designed to attract or identify potential candidates for teacher preparation who are paraeducators or parent and community leaders as contemplated by the Act, including assistance that will permit potential candidates to complete developmental coursework that will verify their academic readiness for enrolling in teacher preparation; and

3) activities that are designed to identify barriers to teacher certification for potential members of a given cohort and to identify strategies and resources for mitigating those barriers.

c) Each proposal shall describe a plan of work for developing a consortium and a Grow Your Own program that will be eligible for an implementation grant under this Part. Each proposal shall include a budget for the planned activities, provided in a format specified in the RFP.

d) Applicants may be asked to clarify aspects of their proposals.

e) Each proposal that is submitted by an eligible applicant and meets the requirements of this Section shall be considered qualified for funding. Funding decisions shall be made in each cycle by balancing the goals of geographic distribution and accessibility with the level of need and the potential number of candidates to be served by the potential consortia.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 60.100 Loans; Waiver or Deferral of Repayment

Any candidate in a program administered under this Part may receive a forgivable loan for ~~tuition, fees, and other~~ direct expenses associated with completion of~~demonstrably related to his or her ability to enroll in or complete~~ the teacher preparation program, provided those expenditures are not otherwise paid for through grants-in-aid, other forgivable loans, or other resources of the consortium. Any amount expended for an individual's direct ~~or related~~ expenses ~~(e.g., child care, transportation or "developmental" coursework)~~shall be considered a part of that individual's loan, regardless of how the payment is administered and regardless of whether the individual receives any actual payment of funds. The total amount of any candidate's loan shall not exceed $25,000.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

a) Pursuant to Section 25 of the Act, loan funds provided to candidates as part of *this program shall be fully forgiven if a graduate completes five years of service in ~~a~~ hard-to-staff schools~~school~~ or hard-to-staff teaching positions, with partial forgiveness for shorter periods of service~~position~~*. Forgiveness and repayment of loans shall be determined as provided in this Section.

b) An individual may accrue the ~~five years of~~ service required for forgiveness of loans under this Part in one or more hard-to-staff schools or positions.

c) If an individual has not assumed employment in a hard-to-staff school or position within two years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. No interest shall apply. An individual who drops out of the program shall be required to begin repaying the amounts loaned in the month following the month when it becomes evident that he or she will not be completing any of the program's requirements for two consecutive semesters. ~~Responsibility to repay the loan is subject to the requirements of subsection (e) of this Section.~~

d) If an individual has not completed five years of service within 10 years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. The amount due shall be the total amount borrowed, less a percentage reflecting the relationship that any time taught by the individual in hard-to-staff schools or positions bears to the total five-year commitment. Loan amounts shall be reduced in increments of 10 percent for each semester completed.

e) Repayment of loans shall be made ~~no~~ in no more than 60 equal installments. The minimum monthly payment will be determined by dividing the total amount due~~borrowed~~ by 60. An individual may prepay the balance due on the loan in its entirety at any time or make payments in addition to the minimum amount owed each month without penalty. ~~Individuals who provide written evidence of meeting one of the following conditions may have their loans deferred for a period not to exceed three years and/or have their loan term extended.~~

~~1) The individual has re-enrolled as a full-time student in an institution of higher education or in a program under this Part.~~

~~2) The individual is unemployed or is working less than 30 hours a week.~~

~~3) The individual is experiencing a financial hardship (e.g., receiving public assistance, the monthly loan payment is equal to 50 percent or more of the individual's monthly income).~~

f) In addition to the loan forgiveness permitted under Section 25 of the Act, the State Superintendent may defer or waive an individual's obligation to repay an amount due as provided in this subsection (f).

1) The State Superintendent shall waive the repayment obligation for an individual who is counseled out of a preparation program or found ineligible to continue, provided that the individual's exit from the program is not due to a violation of law or of applicable institutional policies.

2) The State Superintendent shall waive the repayment obligation for an individual who drops out of a preparation program or demonstrates that he or she is unable to complete a portion of the required teaching service due to:

A) the onset or exacerbation of a disability;

B) the need to care for an immediate family member during serious illness or disability;

C) destruction of the individual's residence; or

D) other circumstances that require the individual to assume responsibilities that cannot be avoided without serious financial hardship or other family disruption (e.g., death of a spouse that results in the need to take a second job or assume operation of a business).

3) The State Superintendent shall waive the repayment obligation for a candidate who does not complete a preparation program due to the unavailability of a State appropriation for this initiative for at least two consecutive years.

4) The State Superintendent shall defer the repayment obligation for a period of time specifically related to the circumstances when an individual:

A) is unemployed or is working for fewer than 30 hours per week;

B) is experiencing a financial hardship (e.g., receiving public assistance, earning an amount per month that is no greater than 200 percent of the amount of the loan payment, or experiencing circumstances such as those outlined in subsection (f)(2) of this Section); or

C) has re-enrolled as a full-time student in an institution of higher education or in a program under this Part.

5) Each request for a waiver or deferral of repayment shall be submitted by a representative of the consortium under whose auspices the individual is or was enrolled in teacher preparation. Using a format specified by the State Superintendent, the representative and the affected individual shall describe the specific circumstances that apply. This description shall be accompanied by evidence such as a physician's statement, insurance claim, or other documentation of the relevant facts.

g)~~f)~~ When a teaching certificate is issued to an individual who received assistance under this Part, the certificate shall be accompanied by:

1) a statement indicating the total amount of the loan received by the individual and identifying the dates applicable to repayment under ~~subsections (c) and (d) of~~ this Section; and

2) a claim form that the individual may use to claim forgiveness of the loan amount, which shall require the individual to identify the periods of service completed in hard-to-staff schools or positions and the school administrators who can verify the individual's service.

h)~~g)~~ Management of Loans

1) It shall be the responsibility of each four-year~~the~~ institution of higher education, and of any two-year institution that participates in a~~as part of each~~ consortium, to assist the State Board of Education with the forgivable loan process in the following manner:

A) by keeping records of the amounts provided to or on behalf of each individual for direct expenses; ~~and~~

B) by keeping up-to-date contact information regarding the address and telephone number of each individual~~, both~~ during the individual's preparation at that institution; and ~~after the issuance of a certificate, until the individual has either qualified for forgiveness of the loan or repaid the full amount.~~

C) by notifying the State Superintendent within 30 days after a candidate fails to enroll in coursework as expected or otherwise ceases to participate in the program and informing the State Superintendent of the total amount of the candidate's loan for direct expenses as of that point in time.

2) When a candidate leaves a two-year institution and enters a four-year institution to continue in a program under this Part, the two-year institution shall inform both the State Superintendent and the four-year institution of the total amount of the candidate's loan for direct expenses as of that point in time. Each two-year institution shall ensure that the affected four-year institution continues to receive any information that subsequently affects the amount of a candidate's loan.

3)~~2)~~ Each institution ~~of higher education under this Part~~ shall notify the State Superintendent as to who will be responsible for this information and shall provide contact information for the responsible individual within the institution.

i)~~h)~~ It shall be the responsibility of the State Superintendent to take such actions as may be necessary to secure repayment when necessary.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Procurement

2) Code Citation: 44 Ill. Adm. Code 2600

3 Section Number: 2600.10 Proposed Action: Repealed

4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being repealed for the purpose of adopting new procurement policy rules within the existing 44 Ill. Adm. Code 2600 currently titled Procurement. A proposed rulemaking, accompanying this proposed repealer, explains the transition of the two rulemakings in the main source note of the proposed rule.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed repealer does not require expenditures by units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Steven S. Sandvoss, General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/557-9939

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED REPEALER

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not submit an agenda prior to the filing deadline.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
CHAPTER XXVI: STATE BOARD OF ELECTIONS

PART 2600
PROCUREMENT (REPEALED)

Section
2600.10 Procurement

AUTHORITY: Implementing P.A. 90-572 and authorized by Section 1-30(a) of the Illinois Procurement Code [30 ILCS 500] and by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 20642, effective November 6, 1998, for a maximum of 150 days; emergency expired April 4, 1999; adopted at 23 Ill. Reg. 5687, effective May 3, 1999; old Part repealed at 31 Ill. Reg. _____ and new Part adopted at 31 Ill. Reg. _____, effective _____.

Section 2600.10 Procurement

a) The State Board of Elections adopts as its own such rules as may from time to time be promulgated at 44 Ill. Adm. Code 1 and 5000 by the Department of Central Management Services relating to procurement and to provisions for procurement contracts under the Illinois Procurement Code, excepting only any rule that is on its face inapplicable to the State Board of Elections or is contradicted by this Section.

b) The Chief Procurement Officer of the State Board of Elections is the Director of Central Management Services. The Chief Fiscal Officer of the State Board of Elections is designated as the State Purchasing Officer with respect to purchases of goods and services by the State Board of Elections.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

1) Heading of the Part: State Board of Elections Procurement Rules

2) Code Citation: 44 Ill. Adm. Code 2600

3)

Section Numbers:	Proposed Action:
2600.1	New Section
2600.5	New Section
2600.10	New Section
2600.15	New Section
2600.20	New Section
2600.100	New Section
2600.200	New Section
2600.205	New Section
2600.210	New Section
2600.300	New Section
2600.305	New Section
2600.310	New Section
2600.315	New Section
2600.320	New Section
2600.325	New Section
2600.330	New Section
2600.335	New Section
2600.340	New Section
2600.345	New Section
2600.350	New Section
2600.400	New Section
2600.405	New Section
2600.500	New Section
2600.600	New Section
2600.700	New Section
2600.800	New Section
2600.805	New Section
2600.900	New Section
2600.905	New Section
2600.910	New Section
2600.920	New Section
2600.1000	New Section
2600.1005	New Section
2600.1010	New Section
2600.1015	New Section

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

2600.1020	New Section
2600.1100	New Section
2600.1105	New Section
2600.1110	New Section
2600.1115	New Section
2600.1120	New Section
2600.1200	New Section
2600.1205	New Section
2600.1210	New Section
2600.1300	New Section
2600.1305	New Section
2600.1310	New Section
2600.1315	New Section
2600.1320	New Section

4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes a method of procurement of goods and services for use by the State Board of Elections.

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

11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Steven S. Sandvoss, General Counsel

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

State Board of Elections
1020 S. Spring St.
Springfield IL 62708
1)
2) 217/557-9939

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Bidders and Vendors of goods or services that are the subject of the procurement efforts of the SBEL.

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: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not submit an agenda prior to the filing deadline.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXVI: STATE BOARD OF ELECTIONS

PART 2600
STATE BOARD OF ELECTIONS PROCUREMENT RULES

SUBPART A: GENERAL

Section
2600.1 Title
2600.5 Policy
2600.10 Application
2600.15 Definitions
2600.20 Property Rights

SUBPART B: PROCUREMENT AUTHORITY

Section
2600.100 Exercise of Procurement Authority

SUBPART C: PUBLICIZING PROCUREMENT ACTIONS

Section
2600.200 Illinois Procurement Bulletin
2600.205 Supplemental Notice
2600.210 Direct Solicitation

SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

Section
2600.300 General Provisions
2600.305 Competitive Sealed Bidding
2600.310 Competitive Sealed Proposals
2600.315 Small Purchases
2600.320 Sole Economically Feasible Source Procurement
2600.325 Emergency Procurements
2600.330 Competitive Selection Procedures for Professional and Artistic Services
2600.335 Other Methods of Source Selection

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

2600.340 Tie Bids and Proposals
2600.345 Mistakes
2600.350 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART E: SUPPLIERS AND RESPONSIBILITY

Section
2600.400 Suppliers
2600.405 Responsibility

SUBPART F: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
2600.500 Security Requirements

SUBPART G: CONTRACT TYPE

Section
2600.600 Types of Contracts

SUBPART H: DURATION OF CONTRACTS

Section
2600.700 Duration of Contracts − General

SUBPART I: CONTRACT MATTERS

Section
2600.800 Prevailing Wage
2600.805 Equal Employment Opportunity; Affirmative Action

SUBPART J: PREFERENCES

Section
2600.900 Procurement Preferences
2600.905 Sheltered Workshops for the Disabled
2600.910 Small Business Set Aside Program
2600.920 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

SUBPART K: ETHICS

Section
2600.1000 Conflicts of Interest
2600.1005 Negotiations for Future Employment
2600.1010 Exemptions
2600.1015 Revolving Door
2600.1020 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART L: COMPLAINTS, PROTESTS AND REMEDIES

Section
2600.1100 Complaints Against Vendors
2600.1105 Suspension
2600.1110 Resolution of Contract Controversies
2600.1115 Violation of Statute or Rule
2600.1120 Protests

SUBPART M: GOVERNMENTAL JOINT PURCHASING

Section
2600.1200 General
2600.1205 No Agency Relationship
2600.1210 Obligations of Participating Governmental Units

SUBPART N: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
2600.1300 Severability
2600.1305 Government Furnished Property
2600.1310 Inspections
2600.1315 Records and Audits
2600.1320 Written Determinations

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 20642, effective November 6, 1998, for a maximum of 150 days; emergency expired April 4, 1999; adopted at 23 Ill. Reg. 5687, effective May 3, 1999; old Part repealed at 31 Ill. Reg. _____ and new Part adopted at 31 Ill. Reg. _____, effective _____.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

SUBPART A: GENERAL

Section 2600.1 Title

This Part may be cited as the State Board of Elections Procurement Rules.

Section 2600.5 Policy

All procurements by the State Board of Elections (SBE) shall be accomplished in the most economical, expeditious and commercially reasonable manner that is in accordance with statute, this Part and other applicable rules.

Section 2600.10 Application

a) Several Articles of the Illinois Procurement Code [30 ILCS 500] (the Code) will be referenced in this Part as though applicable to SBEL and all procurements of goods or services conducted by SBEL.

b) The Code and this Part do not apply to:

1) *contracts between* SBEL and *political subdivisions* of the State *or* other governments, or *between State governmental bodies, except as specifically provided in the Code*. (For purposes of this subsection (c)(1), "governmental bodies" includes the State universities and their governing boards, community colleges and their governing boards and school districts);

2) *grants* or reimbursements;

3) *hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual*;

4) *collective bargaining contracts*;

5) *purchase* or lease *of real estate*; or

6) *contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the* SBEL *Chief Legal Counsel*

shall give his or her prior approval. [30 ILCS 500/1-10]

Section 2600.15 Definitions

As used in this Part, terms defined in the Illinois Procurement Code shall have those meanings and other terms used are defined in this Section.

"Bid" means the response to an Invitation for Bids.

"Bidder" means any person who submits a bid.

"Brand Name or Equal Specification" means a specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements and that allows the submission of equivalent products.

"Brand Name Specification" means a specification limited to one or more items by manufacturers' names or catalogue numbers.

"Bulletin" means the Procurement Bulletin mandated by Article 15 of the Procurement Code.

"Chief Procurement Officer" or "CPO" means the Executive Director of the State Board of Elections or his or her designee.

"CMS" means the Department of Central Management Services.

"Code" means the Illinois Procurement Code [30 ILCS 500].

"Consulting Services" means services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of SBEL. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" means any agreement or lease that requires the payment of State funds by SBEL in exchange for goods or services. A contract may be in written or oral form.

"Contractor" or "Vendor" may be used interchangeably for purposes of this Part.

"Day" means calendar day in computing any period of time. The day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or State holiday, in which event, the period shall run to the end of the next business day.

"Invitation for Bids" or "IFB" means the process by which SBEL requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids. [30 ILCS 500/1-15.45]

"Multi-step Sealed Bidding" means a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the State and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.

"Offer from Responsive Bidders or Offerors" means only those offers that are received using an Invitation for Bids or Request for Proposals under Sections 20-10, 20-15 and 20-35 or Article 35 of the Code. Disclosures are not required in small, sole source or emergency procurements.

"Offerors" means only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses that submitted unacceptable proposals.

"Practicable", as used in Section 20-15 (Competitive Sealed Proposals) of the Code and in this Part, denotes what may be accomplished or put into practical application. "Advantageous" connotes a judgmental assessment of what is in the State's best interest. Before a procurement may be conducted by competitive sealed proposals, the Procurement Officer shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.

"Procurement Officer" means an individual appointed by the CPO to conduct particular procurement, or his or her designee.

"Professional and Artistic Services" means those services provided under contract to SBEL by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60].

"Proposal" means the response to a Request for Proposals.

"Qualified Products List" means an approved list of supplies described by model or catalogue numbers that, prior to competitive solicitation, the SBEL has determined will meet the applicable specification requirements.

"Request for Information" or "RFI" means the process by which SBEL requests information from offerors for applicable contracts.

"Request for Proposals" or "RFP" means the process by which SBEL requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals. [30 ILCS 500/1-15.75]

"Responsive Bidder" means a person who has submitted a bid that conforms in all material respects to the Invitation for Bids. [30 ILCS 500/1-85]

"Responsible Offeror" means a person who has submitted an offer that conforms in all material respects to the Request for Proposals.

"SBEL" means the State Board of Elections.

"Service" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance and the financing of the performance [30 ILCS 500/1-15.90].

"Specification" means any description, provision, or requirement pertaining to the physical, functional, or performance *characteristics or the nature, of a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery*. [30 ILCS 500/1-15.95] Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Supplies" means all personal property, including but not limited to equipment, materials and printing, and the financing of those supplies. [30 ILCS 500/1-15.110]

"Unsolicited Offer" means any offer other than one submitted in response to a solicitation.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

Section 2600.20 Property Rights

Receipt of an Invitation for Bids or other procurement document, or submission of any response to an IFB or document, or other offer, confers no right to receive an award or contract, nor does it obligate SBEL in any manner.

SUBPART B: PROCUREMENT AUTHORITY

Section 2600.100 Exercise of Procurement Authority

a) The CPO shall ensure that all procurements of SBEL are in accordance with the Code and this Part and are in the best interests of the State.

b) The CPO may appoint one or more employees under his direction and supervision to serve as an SPO.

SUBPART C: PUBLICIZING PROCUREMENT ACTIONS

Section 2600.200 Illinois Procurement Bulletin

Notice of any procurement action required by the Code to be publicized in the Illinois Procurement Bulletin will be forwarded to CMS for inclusion in the appropriate volume of the Bulletin in accordance with rules promulgated by CMS (44 Ill. Adm. Code 1.1510).

Section 2000.205 Supplemental Notice

Publication in the Bulletin may be supplemented by publication elsewhere at the discretion of SBEL. Supplemental publications may be used to correct errors.

Section 2600.210 Direct Solicitation

In addition to giving notice in the Bulletin, SBEL may directly contact prospective vendors by providing copies of Invitations for Bids, Requests for Proposals, or other procurement information. Direct solicitation may be oral or in writing and all vendors solicited in this manner must receive the same information as that provided by publication. No direct solicitation shall be made prior to the date any required notice first appears in the Bulletin.

SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

Section 2600.300 General Provisions

a) Any bid or proposal received or modified after the time and date for receipt, and at other than the specified location, is late. A late submission will not be considered absent a finding by the CPO that the tardiness was not the fault of the vendor. The Procurement Officer may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time or request bidders or offerors who have submitted timely bids or proposals to extend the time of their bids provided that the extension does not permit other vendors or offerors an opportunity to submit bids or proposals. Any unsigned bid will be considered only if the bidder's signature is transmitted before the time and date for receipt.

b) Bidding Process

1) The Invitation for Bids or the Request for Proposals may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.

2) If only one bid or proposal is received, an award may be made to the single bidder or offeror if the Procurement Officer finds that the price submitted is fair and reasonable and that either other prospective bidders had reasonable opportunity to respond or there is not adequate time for resolicitation. If the Procurement Officer finds that either factor exists, he or she may solicit new bids or offers under sole source (Section 2600.320) or emergency (Section 2600.325) procedures or cancel the procurement.

3) An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.

4) Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts may only be accepted if the vendor is also independently evaluated as the winner of the other IFBs or RFPs, provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.

5) The CPO or designee may consider unsolicited offers provided that an unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to

SBEL and it meets the requirements for a small (Section 2600.315), sole source (Section 2600.320), or emergency (Section 2600.325) procurement.

6) The CPO or designee may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification.

7) The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the CPO determines in writing that it is not practical to award another contract at the time of the extension.

8) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20% provided the CPO determines that separate bidding for the additional quantity is not likely to achieve lower pricing. A particular procurement may specify a different percentage provided that it does not exceed the applicable small purchase threshold.

9) If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid by or on behalf of SBEL, SBEL wishes to make another purchase request for the same item and for the same or lesser quantity, the CPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if the contract is acceptable to the vendor.

10) Vendors must clearly identify any information that is exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.

11) Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.

c) Assignment, Novation or Change of Name

1) Assignment. Contracts entered into under this Part are not transferable or otherwise assignable without the written consent of the CPO. However, a vendor may assign moneys receivable under a contract after due notice to SBEL. Any assignee must meet all requirements for contracting with the

State.

2) Recognition of a Successor in Interest; Novation. When in the best interest of SBEL, a successor in interest may be recognized in a novation agreement. Any transferee must: assume all of the transferor's obligations, meet all requirements for contracting with the State, waive all rights under the contract as against the State and furnish a satisfactory performance bond unless the transferor guarantees performance of the contract.

3) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with SBEL. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

4) Reports. All change of name or novation agreements under this subsection (c) shall be reported to the CPO or designee within 30 days after the date the agreement becomes effective so that the bid list may be updated.

d) Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].

e) If SBEL uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), it is not bound to strict compliance with the Code and rules governing the method of source selection used.

Section 2600.305 Competitive Sealed Bidding

a) The Invitation for Bids must include the following elements: the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by SBEL, the purchase description, evaluation factors, delivery or performance schedule, any inspection and acceptance requirements not included in the purchase description, and the contract terms and conditions, including warranty and bonding or other security requirements.

b) The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where the documents can be obtained.

c) Bidder Submissions

1) Bid Form. The Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed. The invitation for bids shall be available to the public.

2) Bid Samples and Descriptive Literature. SBEL may require bid samples or descriptive literature in order to evaluate required characteristics of the items bid. Any unsolicited bid samples or descriptive literature is submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with SBEL.

d) Public Notice

1) Publication. Every procurement for supplies and services in excess of the small purchase amount that must be procured using an Invitation for Bids shall be publicized in the Illinois Procurement Bulletin (see Section 2600.200).

2) Distribution. Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained; generally describe what is needed; and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the Invitation for Bids.

e) Pre-Bid Conference
A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part of the Invitation for Bids notice. The conference may be designated as "attendance mandatory" or "attendance optional". The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written modification to the Invitation for Bids. Amendments shall be supplied to all those

prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

f) Amendments to Invitations for Bids

1) Form. Amendments to Invitations for Bids must be clearly identified and reference the portion of the IFB it amends and must be distributed to all prospective bidders known to have received an Invitation for Bids.

2) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids does not permit such preparation, the amendment shall extend the response time. If SBEL deems necessary, the response time may be extended by fax or telephone and confirmed in the amendment.

g) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

h) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Bids and modifications shall be opened publicly at the time, date, and place designated in the Invitation for Bids. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded

at the opening. The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.

i) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.

2) Responsiveness. A bid must conform in all material respects to the Invitation for Bids.

A) Product or Service Acceptability. The Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for such inspection or examination as SBEL deems necessary before the contract is awarded.

B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

3) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (i), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible the evaluation

factors shall be reasonable estimates based upon information the State has available concerning future use and shall provide for the equitable treatment of all bids. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for such items or terms is unbalanced when compared to other pricing in the bid.

4) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

j) The Procurement Officer may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The Procurement Officer may choose a bidder other than the lowest responsible and responsive bidder for reasons including but not limited to a difference in quality or speed or delivery. The name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the Bulletin.

k) The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set in Section 2600.315 (Small Purchases), notice of award shall be published in the Bulletin.

l) The IFB or RFP and any resulting contract should define whether prices cover transportation, transit insurance, delivery, installation, taxes, and any other costs.

Section 2600.310 Competitive Sealed Proposals

a) Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.

b) The Competitive Sealed Proposal method of source selection may be used to procure the following categories (note that the following services, if they are professional and artistic, must be procured pursuant to Section 2600.330):

1) electronic data processing equipment, software, and services;

2) telecommunications equipment, software, and services;

3) consulting services; and

4) employee benefits and management of those benefits.

c) Competitive Sealed Proposals may be used on a case-by-case basis when it is determined by the Procurement Officer that competitive sealed bidding is either not practicable or not advantageous.

1) If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals should be used.

2) The key element in determining whether use of a proposal is advantageous is the need for flexibility. The competitive sealed proposal method differs from competitive sealed bidding in two important ways:

A) it permits discussions with competing offerors and changes in their proposals, including price; and

B) it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.

3) When evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.

4) Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:

A) whether the contract needs to be other than a fixed-price type;

B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;

C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;

D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and

E) whether the primary consideration in determining award may not be price.

5) Competitive sealed proposals may be used if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State; and

B) whether the factors listed in subsection (c)(3) of this Section are desirable, in conducting a procurement, rather than necessary; if they are, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.

d) The Request for Proposals shall be prepared in accordance with Section 2600.305 (Competitive Sealed Bidding). It must include a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions and a statement of when and how price should be submitted.

e) Proposals and modifications shall be opened as designated in the Request for Proposals. Opening shall be witnessed by at least two SBE employees. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract. Proposals and modifications shall be

opened in a manner to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.

f) Evaluation of proposals shall be performed in accordance with Section 2600.305.

g) Proposal Discussions with Individual Offerors

1) Discussions may be held to promote understanding of the State's requirements and the offerors' proposals or facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.

2) Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the Request shall be amended to incorporate the clarification or change. Any disclosure of information to offerors from competing proposals is prohibited. Any clarification of a proposal shall be reduced to writing by the offeror.

3) Best and Final Offers. The Procurement Officer may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The Procurement Officer may conduct additional discussions or change the State's requirements and require another submission of best and final offers. The scope of the best and final and the number of vendors allowed to participate shall be defined by the Procurement Officer. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

h) An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals.

i) The successful offeror shall be notified of award. Notification may be in the form of a letter, purchase order or other clear communication. When the award exceeds the small purchase limit set in Section 2600.315 of this Part, notice of award shall be published in the Bulletin.

Section 2600.315 Small Purchases

a) This Section is applicable to procurements of $10,000 or less for professional and artistic services or supplies and $30,000 or less for construction. If only a unit price or hourly rate is known, the contract shall be considered a small purchase and this Section shall apply. The monetary limits in this Section reflect those in Section 20-20 of the Procurement Code and will reflect any changes made in that Section.

b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12 month period.

c) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

d) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.

e) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

Section 2600.320 Sole Economically Feasible Source Procurement

a) The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement meets the definition of a small purchase or an emergency procurement as defined this Part.

b) The determination as to whether a procurement shall be made as a sole source

shall be made by the CPO or his designee. The determination and the basis for the determination shall be in writing and shall include an explanation as to why no other vendor will be suitable or acceptable to meet the need.

c) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 2600.315 or that is an emergency as defined in Section 2600.325 may be made in accordance with those Sections and need not comply with these sole source procedures. A change in the length of the contact that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.

Section 2600.325 Emergency Procurements

a) The provisions of this Part apply to every procurement over the small purchase limit as defined in Section 2600.315 that is not a sole source procurement as defined in Section 2600.320 made under emergency, including quick purchase, conditions.

b) This Section may be used to extend an existing contract for such period of time as is needed to conduct a competitive method of source selection when terminating or allowing the contract to terminate would not be advantageous to the State.

c) Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.

d) The Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor. Record of the basis for the emergency must be retained.

e) An affidavit of each emergency procurement shall be filed with the Auditor General within 10 days after the procurement and shall include the vendor's name, the amount and type of the contract, a description of the vendor's responsibilities, and the basis for using the emergency procurement procedure.

f) Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart C of this Part.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

Section 2600.330 Competitive Selection Procedures for Professional and Artistic Services

a) The provisions of this Section apply to every procurement of professional and artistic services, except as otherwise provided in this Part.

b) This Part shall not apply to the procurement of legal services, including but not limited to legal representation and services as a hearing officer.

c) If the professional or artistic contract is with a firm or other business entity, the individuals whose education, experience and technical ability provided the basis on which the firm or other business entity was selected must meet the qualifications.

d) Except as authorized under Section 20-25 (Sole Source Procurement) or Section 20-30 (Emergency Procurements) of the Code, these competitive selection procedures shall be used for all procurements of professional and artistic services of $10,000 or more or as otherwise established in Section 20-20 of the Code.

e) The CPO may use the list of prequalified professional and artistic vendors maintained by CMS.

f) Notice of the need for professional and artistic services shall be made by the Procurement Officer in the form of a Request for Proposals and must be given as provided in this Part. Notice shall also be distributed to prequalified persons interested in performing the services required by the proposed contract.

g) The Request for Proposals shall be in the form specified by the CPO or his or her designee and must be returned to and handled by the CPO or his or her designee.

h) Proposals shall be evaluated only on the basis of evaluation factors stated in the Request for Proposals. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:

1) the plan for performing the required services;

2) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the

required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;

3) the personnel, equipment, and facilities to perform the services are currently available or demonstrated to be made available at the time of contracting; and

4) a record of past performance of similar work.

i) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals. Opening shall be witnessed by an SBEL employee, but the person opening proposals shall not serve as witness. A record shall be prepared that includes the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract. Proposals of offerors who are not awarded the contract shall not be open to public inspection.

j) The Procurement Officer may conduct discussions with any offeror in order to determine in greater detail the offeror's qualifications or learn more about the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach. The Procurement Officer may allow changes to the proposal based on those discussions.

k) Discussions shall not disclose any information derived from proposals submitted by other offerors, and the agency conducting the procurement shall not disclose any information contained in any proposals until after award of the proposed contract has been made. The proposal of the offeror awarded the contract shall be open to public inspection, except as otherwise provided in the contract.

l) After conclusion of validation of qualifications, evaluation, and discussion, the Procurement Officer shall rank the acceptable offerors in the order of their respective qualifications.

m) Pricing submitted for all proposals timely submitted shall be opened and ranked.

1) If the low price is submitted by the most qualified vendor, the Procurement Officer may award to that vendor.

2) If the price of the most qualified vendor is not low and if it does not exceed $25,000, the Procurement Officer may award to that vendor.

3) If the price of the best qualified vendor exceeds $25,000, the Procurement Officer must state why a vendor other than the low priced vendor was selected and that determination shall be published in the Bulletin.

n) If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is cancelled. Compensation must be determined in writing to be fair and reasonable, as determined by the Procurement Officer based on the circumstances of the particular procurement, including but not limited to the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement, and SBEL's identified budget.

o) The Procurement Officer may choose to negotiate with a source other than the best qualified offeror if compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror. A written record stating the reasons for the disagreement shall be placed in the file. The Procurement Officer shall advise the best qualified offeror of the termination of negotiations.

p) Nothing in this Section shall prohibit the Procurement Officer from making a selection that represents the best value, qualifications, price and other relevant factors established in the Request for Proposals being considered. The Procurement Officer may, in considering best value, determine the proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.

q) The Procurement Officer may enter into negotiations with the next most qualified vendor or vendors when SBEL has a need that requires multiple vendors under contract.

r) Small, sole source and emergency procurements of professional and artistic services under the jurisdiction of a Procurement Officer do not require approval of the CPO to proceed. Any notices shall be published by the Procurement Officer.

s) Following completion of the contract, the Procurement Officer shall provide a synopsis of the contract and shall rate the vendor's performance. A copy of the completed form shall be maintained in the files of the CPO.

Section 2600.335 Other Methods of Source Selection

a) An award of a definite quantity requirement may be split between bidders or offerors. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. A split award may be used only when award to more than one bidder or offeror for different amounts of the same item is necessary to obtain the total quantity or the required delivery. The Procurement Officer shall make a written determination setting forth the reasons for the split award and retain it in the procurement file.

b) The Procurement Officer may choose to use a term and condition contract when necessary to purchase assets that precede a procurement. A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement. It creates no obligation on the part of SBEL to procure from the vendor. Orders may be placed against term and condition contracts without use of any prescribed method of source selection for convenience of processing sole source, emergency or small procurements.

c) Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.

d) The Procurement Officer must ensure that SBEL complies with federal requirements that are necessary to receive or maintain any federal aid funds, grants or loans.

Section 2600.340 Tie Bids and Proposals

a) This Section is applicable when bids or proposals from responsive and responsible vendors are identical in price or evaluation and represent the low price.

b) In case of a tie bid, the procurement will be awarded based on consideration of the following factors, in no particular order: Illinois resident vendor status, experience in contracting with the State, vendor quality and delivery time.

Section 2600.345 Mistakes

a) When the Procurement Officer becomes aware that a mistake has been made, he or she shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

b) Mistakes in Bids Discovered After Opening but Before Award

1) Minor Informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement of the Invitation for Bids, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The Procurement Officer shall waive such informalities or allow the bidder to correct them depending on which is in the best interest of SBEL.

2) Mistakes in which Intended Correct Bid Is Evident. If the mistake and the intended correct bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn.

3) A bidder may be permitted to withdraw a low bid due to mistake if the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident or the bidder submits proof of evidentiary value that clearly demonstrates that a mistake was made.

c) Mistakes in Proposals Discovered After Receipt, but Before Award

1) Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake prior to the date set for conclusion of discussions or for receipt of best and final offers.

2) If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and proposals may be withdrawn only if the mistake is clearly evident on the face of the proposal and the intended correct offer is not or the offeror submits proof of evidentiary value that clearly demonstrates that a mistake was made but does not demonstrate the intended correct offer. A mistake may only be corrected in this circumstance if doing so would not be unfair to other offerors.

d) In any circumstance in which a proposal is corrected or withdrawn, or correction or withdrawal is denied, the Procurement Officer shall prepare a written determination showing that relief was granted or denied in accordance with this Part.

Section 2600.350 Cancellation of Solicitations; Rejection of Bids or Proposals

a) Any solicitation may be canceled when the Procurement Officer believes cancellation to be in SBEL's best interest. Nothing shall compel the award of a contract. This Section shall govern any such cancellations.

b) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses that responded to the solicitation. The notice of cancellation shall identify the solicitation, explain the reason for cancellation and explain whether another solicitation on the subject matter will be necessary.

c) Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening

1) After opening but prior to award, a solicitation may be canceled in whole or in part when the Procurement Officer determines in writing that such action is in the State's best interest for reasons including, but not limited to, elimination of the need for the requested supplies or service, inability to fund the procurement, a change in circumstances that requires an alteration in the procurement plan, there is evidence the bids are collusive, or the bids are at clearly unreasonable prices.

2) When the solicitation is canceled or when all bids or proposals are rejected, all vendors who submitted bids or proposals shall be sent a notice, upon request, informing them of the reasons for the cancellation or rejection.

d) Rejection of Individual Bids or Proposals in Whole or in Part

1) Notice in Solicitation. Each solicitation shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of SBEL as described in subsection (d)(2).

2) Reasons for Rejection. Reasons for rejecting a bid or proposal may include, but are not limited to:

A) the business that submitted the bid or proposal is nonresponsive or nonresponsible;

B) the proposal ultimately (that is, after any opportunity has passed for altering or clarifying the proposal) fails to meet the announced requirements of SBEL in some material respect;

C) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids; or

D) the proposed price is clearly unreasonable.

3) Notice of Rejection. Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection.

SUBPART E: SUPPLIERS AND RESPONSIBILITY

Section 2600.400 Suppliers

a) SBEL may contract with any qualified source of supply.

b) Special Sources

1) Prior to any equipment procurement, SBEL may consider property available from the State and Federal Surplus Warehouses, which are under the jurisdiction of CMS. The State Property Control Act [30 ILCS 605/7a] requires that surplus furniture be considered before any purchase of new furniture valued at $500 or more per piece.

2) Various supplies and services are available from qualified workshops for the disabled and procurement from these workshops is encouraged. Notice and competition is not required pursuant to Section 45-35 of the Code.

3) Various supplies and services are available from State agencies and other governmental units. These may be procured without notice and competition.

Section 2600.405 Responsibility

a) Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the State's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security. SBEL may use any prequalified bidder list maintained by CMS.

b) Standards. Factors to be considered in determining whether the standard of responsibility has been met may include, but are not limited to, whether a prospective vendor:

1) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to meet all contractual requirements (the Procurement Officer may designate a level of financial resource below which the vendor will be deemed "not responsible");

2) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;

3) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;

4) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on

the particular procurement or that create a reasonable inference or appearance of a lack of integrity on the part of the vendor may be declared not responsible for the particular procurement;

5) has supplied all necessary information in connection with the inquiry concerning responsibility;

6) has a current Public Contracts number from the Illinois Department of Human Rights, pursuant to 44 Ill. Adm. Code 750.210, if required or is otherwise statutorily barred from contracting with the State. Proof of application for a Public Contracts number prior to opening of bids or proposals will be sufficient for an initial determination;

7) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.

c) The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of the vendor. The State may supplement this information from other sources and may require additional documentation at any time. If the vendor fails to supply the requested information, the Procurement Officer shall base the determination of responsibility upon any available information, or may find the prospective vendor nonresponsible.

d) Upon request, the prospective vendor shall submit evidence that it possesses necessary financing, equipment, facilities or expertise or that it has an acceptable plan to subcontract for such necessary items.

e) If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the CPO or the SPO. The final determination shall be made part of the procurement file.

f) Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of such vendors.

g) Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing vendor that has been determined not responsible will also be determined not to be responsible unless the new organization can prove it was not set up for the purpose of

avoiding an earlier determination of nonresponsibility.

SUBPART F: BID, PROPOSAL AND PERFORMANCE SECURITY

Section 2600.500 Security Requirements

A Procurement Officer may require that a vendor furnish bid, proposal, or performance security on SBEL contracts. Whenever security is required, the procurement document will clearly indicate the type and amount of security. Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois.

SUBPART G: CONTRACT TYPE

Section 2600.600 Types of Contracts

a) This Section contains descriptions of types of contracts and limitations as to when they will be utilized by SBEL in its procurements. Types of contracts not mentioned in this Section may also be utilized.

b) The cost-plus-a-percentage-of-cost method of contracting is prohibited by Section 20-55 of the Code. This type of contracting may not be used alone or in conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the supply or service on which the vendor's percentage is applied. Contracts that involve a percentage mark-up are not necessarily a cost-plus-a-percentage-of-cost contract.

c) Fixed-Price Contracts. If the contract permits unilateral action by the vendor to bring about the condition under which a price increase may occur, SBEL shall have the right to reject the price increase and terminate without cost the future performance of the contract.

d) A cost-reimbursement type contract will be used only when the Procurement Officer determines in writing that such a contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the items. This Section does not apply to reimbursement of travel expenses in accordance with applicable travel control board regulations.

e) Cost Contract. A cost contract provides that the vendor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee.

f) Cost-Plus-Fixed-Fee Contract. This is a cost-reimbursement type contract that provides for payment to the vendor of an agreed fixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and does not vary if the actual cost of contract performance is greater or less than the initial estimated cost established for the work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract.

g) Time and Materials Contracts; Labor Hour Contracts. Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. Labor hour contracts provide only for the payment of labor performed. They shall, to the extent possible, contain a stated ceiling or an estimate that shall not be exceeded without prior SBEL approval.

h) Definite Quantity and Indefinite Quantity Contracts

1) Definite Quantity. A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services, either at specified times or when ordered.

2) Indefinite Quantity. An indefinite quantity contract is a contract for an indefinite amount of supplies or services to be furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally an approximate quantity or the best information available as to quantity is stated in the solicitation. The contract may provide a minimum quantity SBEL is obligated to order and may also provide for a maximum quantity provision that limits SBEL's obligation to order.

i) Leases. A lease is a contract for the use of supplies or real property under which title will not pass to the State at any time, except pursuant to an option to purchase.

j) Contracts may provide for payment to the vendor of a percentage of the amount the vendor recovers or collects on behalf of SBEL. The percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or cost reimbursement method.

k) When a contract is to contain an option for renewal, extension, or purchase, notice of that provision shall be included in the solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at SBEL's option, and there is no material change in the terms and conditions or any such change is dependent on a fixed formula or standard established in the original contract. A purchase option in a lease may be exercised only if the lease containing the purchase option was awarded under competitive sealed bidding or competitive sealed proposals, the leased supply or facility is the only supply or facility that can meet SBEL's requirements, the purchase option price is less than the small purchase limit or emergency conditions exist.

l) Notwithstanding any provision in any contract, supplies or services available from State programs, such as Correctional Industries, may be ordered without violating any contract.

m) Notwithstanding any provision in any contract, SBEL reserves the right to take bids separately if a particular quantity requirement arises that exceeds SBEL's normal needs or ordering requirements.

n) The CPO may authorize an IFB, RFP or sole source negotiation for energy conservation measures under which SBEL would make payment based on utility cost savings. The contract shall require a clearly defined baseline of energy usage and method of measuring cost savings, taking into account at least differing weather conditions, changes in facility, usage and cost of energy.

SUBPART H: DURATION OF CONTRACTS

Section 2600.700 Duration of Contracts − General

a) General

1) A multi-term contract for a total term of up to 5 years is authorized when determined by the Procurement Officer to be in the best interest of the State.

2) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years.

b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to appropriation and availability of funds. The contract shall provide that, in the event funds are not available for any succeeding fiscal period, the remainder of the contract shall be canceled without penalty to, or further payment being required by, the State. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) A multi-term contract may be used when special production of definite quantities or the furnishing of long-term services is required to meet SBEL needs; or a multi-term contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies via SBEL procurement.

d) Any multi-term contract solicitation shall state: the proposed term, the amount of supplies or services required for the proposed contract period, the type of pricing requested (e.g., firm for term), and how and when award will be determined.

e) Renewals

1) When the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index) and the option is reserved solely to the State or is by mutual agreement. A renewal option that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to competitive procurement procedures established by the Code and this Part.

2) When the original procurement was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal shall start a new term not to exceed 10 years.

SUBPART I: CONTRACT MATTERS

Section 2600.800 Prevailing Wage

a) For employees working in the areas of public works, printing and janitorial services, no bidder will be awarded a contract unless its employees are paid wages

and benefits and are working under conditions prevalent in the location where the work is to be performed.

b) Prevailing wage and conditions prevalent means the hourly wage rate, overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the environmental conditions under which they work.

c) Prevailing Wage Rates

1) Prevailing wage rates, benefits and conditions will be those in effect on the first date of the contract, provided that, if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will vary in like amount.

2) If the initial prevailing wage, etc., cannot be determined prior to execution, contracts may be entered into and will remain valid for the stated term.

d) If a collective bargaining agreement is in effect between the vendor and employee representatives governing the type of printing, janitorial, window washing or security guard service sought, that agreement will define minimum wages, benefits and conditions that must be paid in order for a bidder to be considered responsible.

e) For public works, location means the county where the physical work upon public works is performed, except that, if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which skilled laborers, workers and mechanics may be obtained in sufficient numbers to perform the work.

f) For printing contracts, location means the prevailing wages evidenced by union contracts in the county where the work is performed. Where the printing is performed in a plant outside the jurisdiction of this State, it shall be deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. When printing is required to be delivered to more than one Illinois locality, the printing shall be deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.

g) For janitorial services, window washing and security guard services, location means the county in which the work is to be performed.

h) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

Section 2600.805 Equal Employment Opportunity; Affirmative Action

Every party to a public contract and every eligible bidder shall:

a) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;

b) Comply with the procedures and requirements of the Department of Human Rights (DHR) regulations concerning equal employment opportunities and affirmative action;

c) Provide such information, with respect to its employees and applicants for employment, and assistance as DHR may reasonably request;

d) Have written sexual harassment policies that include, at a minimum, the following information:

1) the illegality of sexual harassment;

2) the definition of sexual harassment under State law;

3) a description of sexual harassment, utilizing examples;

4) the vendor's internal complaint process, including penalties;

5) the legal recourse, investigative and complaint process available through DHR and the Human Rights Commission;

6) directions on how to contact DHR and the Commission; and

7) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policies shall be

provided to DHR upon request.

SUBPART J: PREFERENCES

Section 2600.900 Procurement Preferences

The procurement preferences identified in Article 45 of the Procurement Code shall be considered in developing procurement documents, conducting evaluations and drafting contracts. Subsequent Sections of this Subpart M identify conditions for the use of certain of the statutory preferences.

Section 2600.905 Sheltered Workshops for the Disabled

a) The Procurement Officer may determine to contract with a sheltered workshop on the list maintained by CMS, and may do so without notice or competition.

b) Conditions for Use
The CPO shall, in consultation with the State Use Committee created by the Procurement Code (Section 45-35(c)), determine which articles, materials, services, food stuffs and supplies that are produced or manufactured by persons with disabilities in State use sheltered workshops shall be given preference by purchasing agencies procuring those items. The CPO shall use procedures established by CMS for implementing this Section.

c) The CPO shall use the list of all qualified sheltered workshops and the supplies and services each qualified sheltered workshop provides, which is maintained by CMS.

d) Pricing Approval

1) While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar supplies or services, the policy of the Code to promote procurements from sheltered workshops, and other such relevant factors.

2) The State Use Committee, established under Section 45-35(c) of the Code, must approve contracts for reasonableness of price if:

A) the supply or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or

B) the supply or service is bid and the sheltered workshop is selected even though not the lowest responsible bidder.

3) State Use Committee approval is not required if:

A) the contract qualifies as a small purchase as defined in Section 2600.315 and no bidding was conducted; or

B) the contract is awarded to the sheltered workshop under a competitive procedure.

Section 2600.910 Small Business Set Aside Program

a) CMS has determined categories of supplies or service procurements that will be set aside for small business located in Illinois.

b) The CPO or designee may use the list maintained by CMS of responsible vendors that meet the criteria of small business. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.

c) If a Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.

d) If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Illinois Procurement Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.

e) Unless the CPO provides a definition for a particular procurement that reflects

industrial characteristics, a small business shall meet the definition found in Section 45-45 of the Procurement Code.

f) Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information verifying that the vendor qualifies as a small business. The CPO may establish procedures for verifying this information.

Section 2600.920 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

The Business Enterprise Act for Minorities, Females, and Persons with Disabilities [30 ILCS 575] (Act) sets a goal (minimum 12%) for contracting with businesses owned or controlled by minorities, females, or persons with disabilities. Upon direction of the CPO, SBEL may establish set-asides and other such preferences for vendors certified under the Act and may refer to the list of businesses certified and maintained by CMS.

SUBPART K: ETHICS

Section 2600.1000 Conflicts of Interest

a) An individual has a conflict of interest when he or she has a direct pecuniary interest in a contract and is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including finder's fees and commission payments. No individual with a conflict of interest in a particular procurement may take part in the procurement process.

b) This Section does not apply to contracts with licensed professionals, provided the contracts are competitively bid as described in Subpart D.

Section 2600.1005 Negotiations for Future Employment

a) *It is unlawful for any person employed by SBEL, or on a continual contractual relationship with SBEL, to participate in contract negotiations on behalf of SBEL with any firm, partnership, association, or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment.* [30 ILCS 500/50-15(a)]

b) An individual who performs services pursuant to a contract and who meets the requirements of an "employee" as opposed to an independent contractor is in a

"continued contractual relationship" from the effective date of the contract until the contract is terminated.

c) An individual who performs services pursuant to a contract and who meets the requirements of an "independent contractor" as opposed to an "employee" is in a "continued contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless SBEL must act to terminate, or has a definite term of at least three months.

Section 2600.1010 Exemptions

If the Procurement Officer finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the CPO may exempt named individuals from the prohibitions of Section 50-13 of the Code when, *in its judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section* [30 ILCS 500/50-20].

Section 2600.1015 Revolving Door

The CPO shall designate in writing the SBEL employees whose jobs or whose position descriptions are at least 51% directly related to State procurement. The following activities are directly related to State procurement: drafting specifications, preparing Invitations for Bids and Requests for Proposals, evaluating responses to Invitations for Bids and Requests for Proposals, negotiating contracts, and supervising any of the foregoing. The CPO shall maintain that information for a period of at least two years following the end or revocation of the designation. Those employees shall be subject to the Revolving Door provision found in Section 50-30 of the Code.

Section 2600.1020 Disclosure of Financial Interests and Potential Conflicts of Interest

a) For purposes of Section 50-35(b) of the Code, "parent entity" means a person who owns 100% of the bidding entity.

b) For purposes of Section 50-35(b)(1) of the Code, "contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.

c) Distributable or distributive income means the income of a company after payment of all expenses, including employee salaries and bonuses, and retained

earnings, that is distributed to those entitled to receive a share of that income.

d) Personal services shall be any contract for services subject to the Code, including, for example, professional and artistic services, repair services, or cleaning and guard services, but excluding contracts with employees who are exempt from the Code under Section 1-10(b)(4).

e) Once a disclosure is made in relation to a particular contract, the disclosure need not be repeated if the contract is amended.

f) 10K Disclosures

1) Any vendor subject to federal 10K reporting requirements may submit its 10K to SBEL in satisfaction of the disclosure requirement of Section 50-35(b) of the Code provided the vendor also identifies the specific sections or parts in the 10K disclosure where SBEL may find information, if any, pertaining to those who have an ownership interest or an interest in the distributable income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by SBEL is not in the 10K, but is in a document referenced in the 10K, or in a document that may be submitted to the Securities Exchange Commission in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.

2) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the attention of the CPO shall be investigated.

3) In circumstances in which a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements of the Code and for purposes of the Procurement Officer's duty to consider any conflict or potential conflict of interest that may exist, but that is not subject to specific disclosure requirements of the Code and this Part and that is not personally known by the Procurement Officer, the duty of the Procurement Officer "publicly known or reasonably available to the public" shall be satisfied by taking into consideration information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED RULES

SUBPART L: COMPLAINTS, PROTESTS AND REMEDIES

Section 2600.1100 Complaints Against Vendors

a) Whenever a vendor fails to meet contract requirements, including but not limited to failure to deliver on time or meet specifications, SBEL shall take appropriate action to initiate a complaint.

b) For relatively minor infractions, SBEL may initiate contact by telephone or in person. If not resolved by this action, a written complaint shall be made.

c) For other infractions, SBEL shall send a written complaint to the vendor detailing the problem. For complaints regarding contracts established by the CPO for CMS, a form available from the CPO for CMS shall be used to process those complaints and CMS shall be informed of the resolution or status of the complaint.

Section 2600.1105 Suspension

SBEL may recommend to CMS that a vendor be suspended from doing business with the State, with one or more agencies, or for specific types of supplies or services.

Section 2600.1110 Resolution of Contract Controversies

a) The Procurement Officer shall have authority to resolve controversies and may accept delivery in accordance with contract requirements as resolution of a complaint.

b) Subject to the approval of the Procurement Officer, the vendor may adjust a contract by substituting an alternative specification or reducing the contract amount to compensate for a failure to provide full performance.

c) In any of the following cases, the Procurement Officer shall have the right to terminate or rescind any contract entered into under this Part:

1) The successful bidder fails to furnish a satisfactory performance bond within the time specified.

2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by SBEL.

3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly.

4) The vendor is guilty of misrepresentation (for example, misbranding of food or drugs) in connection with another contract for the sale of supplies or services to SBEL such that the vendor cannot reasonably be depended upon to fulfill the vendor's obligations as a responsible vendor under any of the vendor's contracts with SBEL.

5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the Procurement Officer; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.

6) The vendor obtained the contract by fraud, collusion, conspiracy or other unlawful means.

7) Any other breach of contract or other unlawful act by the vendor.

d) Withholding Money to Compensate State for Damages
If a contract is terminated or rescinded under this Section, SBEL may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State of Illinois for any damages suffered by it because of the vendor's breach of contract or other unlawful act on the vendor's part on which the cancellation is based.

Section 2600.1115 Violation of Statute or Rule

If the CPO finds that the solicitation, award or contract is in violation of statute or this Part, the CPO may cancel the solicitation, award or contract, or make modifications to correct the violation, if the correction may be legally accomplished. When a contract is voided under this Section, SBEL shall attempt to return any supplies delivered under the contract that have not been used or distributed.

Section 2600.1120 Protests

a) An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement may file a written protest with the CPO on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award.

b) Filing of Protest

1) Protests shall be made in writing to the CPO and shall be filed within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the CPO. Protests filed after the 7 calendar day period shall not be considered. In regard to a protest regarding specifications, the protest must be received within 7 calendar days after the date the solicitation was issued, and in any event must be received by SBEL at the designated address before the date for opening of bids or proposals.

2) To be considered a protest under this Section, the envelope must be labeled as a protest and include the name and address of the protester, an identification of the procurement or contract, a statement of the protest and any supporting documentation or evidence that is relevant to the protest.

c) Any additional information requested by SBEL shall be submitted in a timely manner in order to expedite consideration of the protest. Failure of the protesting party to comply with a deadline for a request for information by the CPO may result in resolution of the protest without consideration of that information.

d) When a protest has been timely filed and before an award has been made, the CPO shall make no award of the contract until the protest has been resolved. If timely received but after award, the award shall be revoked without penalty and no award made until the protest has been resolved. In either case, the CPO may make the award or reinstate the award upon a determination that the needs of SBEL require an immediate award and performance under the contract.

e) A decision on a protest shall be made by the CPO as expeditiously as possible after receiving all relevant requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.

f) If an action concerning the protest has commenced in court, the CPO shall not act on the protest, but shall refer the protest to the Attorney General, unless otherwise directed by the Attorney General.

SUBPART M: GOVERNMENTAL JOINT PURCHASING

Section 2600.1200 General

In an effort to make the procurement process more efficient, SBEL and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to utilize each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act [30 ILCS 525]. Only the CPO may enter into contracts under the Act.

Section 2600.1205 No Agency Relationship

In any joint procurement situation, the other governmental unit must issue its own purchase order, accept its own deliveries and make its own payments. SBEL shall have no obligation to the vendor for payment of orders placed by other joint purchasers.

Section 2600.1210 Obligations of Participating Governmental Units

If governmental units choose to use contracts established by SBEL or by CMS on behalf of SBEL, they must:

a) provide to the CPO a copy of the ordinance or resolution passed by the governing body of the governmental unit giving authority to make purchases from contracts issued by the State of Illinois;

b) make all purchases under the State contracts for public use only and specifically prohibit personal use or consumption by any individual, public employee or official;

c) make payment to the vendor within 30 days after receipt of supplies or services;

d) place orders with the supplier directly using their own purchase order forms. A copy of the purchase order must also be sent to the CPO. This copy will be used for statistical purposes and will serve as notice that the governmental unit has complied with the bid action;

e) inspect all items immediately for compliance with the contract specifications and report to the CPO any failure of suppliers to comply with contract requirements;

f) attempt to resolve disputes with the vendor before involving SBEL.

SUBPART N: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 2600.1300 Severability

If any provision of this Part or any application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provision or application.

Section 2600.1305 Government Furnished Property

If SBEL provides any property to the vendor in furtherance of the contract, that property shall remain the property of the State but may be consumed by the vendor if necessary to complete the contract. Vendor will issue a receipt for the property and will be responsible for its safekeeping and for return of unused property to the State.

Section 2600.1310 Inspections

a) Inspection of Plant or Site
SBEL may enter, or authorize CMS to enter, a vendor's or subcontractor's plant or place of business to:

1) inspect supplies or services for acceptance by SBEL pursuant to the terms of a contract;

2) audit the books and records of any vendor or subcontractor;

3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;

4) determine whether the standards of responsibility have been met or are capable of being met;

5) determine if the contract is being performed in accordance with its terms; and

6) accomplish any other purpose permitted by law.

b) Inspection and Testing of Supplies and Services

1) Solicitation and Contractual Provisions. Contracts of SBEL may provide for the inspection of supplies and services at the vendor's or subcontractor's facility and performance tests to determine whether the supplies or services conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. Inspections and tests shall be conducted in accordance with the terms of the solicitation and contract and may be conducted by CMS on behalf of SBEL.

2) The CPO may establish operational procedures, or may rely on procedures established by CMS, governing the testing and trial use of equipment, material, and other supplies by SBEL, and the application of resulting information and data to specifications or procurements.

c) Conduct of Inspections

1) Inspectors. Inspections or tests shall be performed so as not to unduly delay the work of the vendor or subcontractor. No inspector other than the CPO may change any provision of the specifications or the contract without written authorization of the CPO. The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.

2) Location. When an inspection is made in the plant or place of business of a vendor or subcontractor, the vendor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

3) Time. Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed at reasonable times.

Section 2600.1315 Records and Audits

a) Retention of Books and Records
Books and records that relate to performance of a contract, including

subcontracts, and that support amounts charged to SBEL, shall be maintained:

1) by a vendor, for three years from the date of final payment under the prime contract;

2) by a subcontractor, for at least three years from the date of final payment under the subcontract; and

3) by a vendor and subcontractor for such longer period of time as is necessary to complete ongoing or announced audits.

b) Contract Audit

1) Types of Contracts Audited. The type of contract under which books and records should be audited is that in which price is based on costs or is subject to adjustment based on costs, or that in which auditing would be appropriate to assure satisfactory performance, such as a time and materials contract.

2) Situations in which an audit may be warranted include, but are not limited to, when the CPO determines that a question has arisen in connection with:

A) the financial condition, integrity, and reliability of the vendor or subcontractor;

B) any prior audit experience;

C) the adequacy of the vendor's or subcontractor's accounting system;

D) the number or nature of invoices or reimbursement vouchers submitted by the vendor or subcontractor for payment;

E) the use of federal assistance funds;

F) the fluctuation of market prices affecting the contract; or

G) any other situation in which the CPO finds that an audit is necessary for the protection of the State's best interest.

Section 2600.1320 Written Determinations

a) When the Code or this Part requires a written determination, the officer required to prepare the determination may delegate its preparation, but the responsibility for and the execution of the determination shall not be delegated.

b) Each written determination shall set out sufficient facts, circumstances, and reasoning as will substantiate the specific determination that is made.

c) While an officer is responsible for the execution of the written determination, other SBEL personnel, particularly technical personnel, are responsible for furnishing to the cognizant official, in an accurate and adequate fashion, the information pertinent to the determination. When requested, the information shall be furnished in writing to the cognizant official who shall have the authority to decide the final form and content of the determination and to resolve any questions or conflicts arising with respect to the determination.

d) The CPO is authorized to prescribe methods and operational procedures to be used in preparing written determinations.

e) Each written determination shall be filed in the solicitation or contract file to which it applies, shall be retained as part of that file for so long as the file is required to be maintained, and, except as otherwise provided by statute or rule, shall be open to public inspection.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill.Adm.Code 1600

3)

Section Numbers:	Proposed Action:
1600.150	Amendment
1600.151	Amendment
1600.152	Repealed
1600.153	Amendment
1600.154	Amendment
1600.155	Amendment
1600.156	Amendment
1600.158	Amendment
1600.159	Amendment
1600.161	Amendment
1600.163	Amendment

4) Statutory Authority: 40 ILCS 5/15-177

5) A Complete Description of the Subjects and Issues Involved: Amendment to the set of QILDRO rules incorporating recent changes to the Pension Code through Public Act 94-0657.

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 amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
1600.110	Amendment	30 Ill. Reg. 16917; 10/27/06
1600.122	Amendment	30 Ill. Reg. 16053; 10/6/06

11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

217/378-7516

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:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

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

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section
1600.10 Definitions
1600.20 Dependency of Beneficiaries
1600.25 Effective Beneficiary Designations
1600.30 Crediting Interest on Employee Contributions and Other Reserves
1600.40 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50 Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.55 Election to Make Contributions Covering Periods of Military Leave
1600.60 Sick Leave Accrual Schedule
1600.70 Procedures to be followed in Medical Evaluation of Disability Claims
1600.80 Rules of Practice − Nature and Requirements of Formal Hearings
1600.90 Excess Benefit Arrangement
1600.100 Freedom of Information Act
1600.110 Open Meetings Act
1600.120 Twenty Percent Limitation on Final Rate of Earnings Increases
1600.121 Determination of Final Rate of Earnings Period
1600.122 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%
1600.123 Part-time/Concurrent Service Adjustments
1600.125 Compensation Subject to Withholding
1600.130 Procurement
1600.137 Overpayment Recovery
1600.139 Voluntary Deductions from Annuity Payments
1600.140 Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
1600.150 Definitions

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

1600.151 Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152 Curing Minor Deficiencies (Repealed)
1600.153 Filing a QILDRO with the System
1600.154 Modified QILDROs
1600.155 Benefits Affected by a QILDRO
1600.156 Effect of a Valid QILDRO
1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158 Alternate Payee's Address
1600.159 Electing Form of Payment
1600.160 Automatic Annual Increases
1600.161 Expiration of a QILDRO
1600.162 Reciprocal Systems QILDRO Policy Statement
1600.163 Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

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

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17284, effective October 19, 2006; amended at 31 Ill. Reg. _____, effective _____.

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section 1600.150 Definitions

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

a) The definitions in Section 1-119(a) of the Illinois Pension Code ~~(the Act)~~ [40 ILCS 5~~/1-119(a)~~] shall apply to the rules contained in this Subpart.

b) The phrase "alternate payee" in Section 1-119(a)(1) of the Pension Code~~Act~~ means a current spouse, former spouse, child, or other dependent of a SURS member, as designated in a QILDRO.

c) The phrase "death benefit" in Section 1-119(a)(2) of the Pension Code~~Act~~ means a benefit paid pursuant to Section 15-141 or 15-142 of the Pension Code~~Act~~ or any lump-sum payment under Section 15-145(e) of the Pension Code ~~[40 ILCS 5/15-141, 15-142]~~.

d) The phrase "member's refund" in Section 1-119(a)(5) of the Pension Code~~Act~~ does not include an "error refund" as defined in subsection (e) of this Section.

e) The phrase "error refund" as used in this Subpart means a refund paid to a member as the result of an error in a payment to the System or a refund paid to a member when the required employee or employer contributions necessary to purchase or reinstate service credit have not been fully paid.

f) The phrase "disability benefit" in Section 1-119(a)(3) of the Pension Code~~Act~~ includes:

1) A disability benefit under Section 15-150 of the Pension Code~~Act [40 ILCS 5/15-150]~~; or

2) A disability retirement annuity under Section 15-153.2 of the Pension Code~~Act [40 ILCS 5/15-153.2]~~.

g) The phrase "member's retirement benefit" as used in this Subpart means the total amount of the retirement benefit as defined in Section 1-119(a)(8) of the Pension Code~~Act [40 ILCS 5/1-119(a)(8)]~~ that would be payable to the member in the absence of a QILDRO.

h) The phrase "partial member's refund" as used in this Subpart includes:

1) A refund of survivor benefit contributions;

2) A refund of excess contributions or interest; or

3) A refund of waived service credit.

i) The term "member", as used in this Subpart, means a participating employee, a participant who has terminated from service but has not received a termination refund, a participant receiving disability benefits or a disability retirement allowance, or a retiree.

j) The term "vouchered", as used in this Subpart, means the benefit or refund check has been printed.

k) The term "permissive service", as used in this Subpart, means service credit purchased by payment of voluntary contributions by the member under Sections 15-113.1, 15-113.2, 15-113.3, 15-113.5, 15-113.6, 15-113.7, 15-113.8, and 15-113.9 of the Pension Code, service credited under Section 15-113.4 of the Pension Code, and such service restored upon the repayment of a refund under Section 15-154(b) of the Pension Code.

l) The term "regular service", as used in this Subpart, means service credited under Sections 15-113.1 and 15-113.3 of the Pension Code, without the payment of voluntary contributions, and such service credit restored upon the repayment of a refund under Section 15-154(b) of the Pension Code.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1600.151 Requirements for a Valid Qualified Illinois Domestic Relations Order

The State Universities Retirement System (SURS) will accept a court order as a valid ~~Qualified Illinois Domestic Relations Order, or QILDRO ,~~ QILDRO or QILDRO Calculation Order that meets all of the following requirements:

a) The following requirements apply to the QILDRO and the QILDRO Calculation Order:

1)~~a)~~ The order must be accompanied by a $50 non-refundable processing fee, by check or money order payable to the State Universities Retirement System.

2)~~b)~~ If the order applies to a person who became a SURS member before July 1, 1999, it must be accompanied by the original Consent to Issuance of QILDRO form signed by the member, or a certified copy of the original.

The consent cannot be signed by a judge, sheriff, or any person other than the member.

3)~~c)~~ The order must be a certified copy of the original.

4)~~d)~~ The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such property distribution. A judgment of an out-of-state court that purports to divide the member's retirement benefit under an out-of-state proceeding for the declaration of invalidity of marriage, legal separation, or dissolution of marriage will not be honored by SURS unless such judgment is accompanied by a QILDRO (and, if applicable, a QILDRO Calculation Court Order) issued by an Illinois court.

5)~~e)~~ The order must contain the name, residence address, and Social Security number of the member.

6)~~f)~~ The order must contain the name, residence address, and Social Security number of the alternate payee.

7)~~g)~~ The order must identify the State Universities Retirement System as the retirement system to which it is directed.

8)~~h)~~ The order must identify the court that issued it.

~~i) The order must specify the dollar amount of the benefit and/or refund payable to the alternate payee. Percentages or formulas are not permissible. The order may specify a termination date or total amount that, when paid out, terminates the QILDRO.~~

9)~~j)~~ The order must apply only to benefits that are statutorily subject to QILDROs, as provided in Section 1-119(b)(1) of the Pension Code~~Act [40 ILCS 5/1-119(b)(1)]~~.

10)~~k)~~ The orders~~order~~ and, if applicable, the Consent to Issuance of QILDRO, must be in the form adopted by SURS as of the date the order is received. Any alterations will invalidate the order.

11)~~l)~~ The effective date of the order must be after July 1, 1999.

b)~~m)~~ The following additional requirements apply only to the QILDRO:~~The order must designate whether the alternate payee will receive automatic annual increases.~~

1) The order must specify each benefit to which it applies, and it must specify only one method by which the benefit shall be paid to the alternate payee.

2) If any benefit is to be paid using the Marital Portion Benefit Calculation, then paragraph IX, Marital Portion Benefit Calculation Formula, of Section 1-119(n) of the Pension Code must be completed. If the "other" option is checked due to the partial use of permissive service, upgrades purchased, and other benefit formula enhancements in specifying the formulas under paragraph IX, then a supplemental order stating the details of the partial use must accompany the order. The supplemental order must not purport to establish a formula differing from the ones appearing under Section 1-119(n) of the Pension Code or purport to create new classes of service credit.

3) The order must designate whether the alternate payee shall receive automatic annual increases as provided under paragraph IV of Section 1-119(n) of the Pension Code.

c) The following additional requirements apply only to the QILDRO Calculation Order:

1) The QILDRO Calculation Order must allocate benefits consistent with the underlying QILDRO.

2) Benefits allocated using a calculation method on the QILDRO Calculation Order must contain a clear result of the equation. SURS is not obligated to review or verify the equations or assist in the calculations to determine the benefits.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1600.152 Curing Minor Deficiencies (Repealed)

~~a)~~ ~~An order containing one or more deficiencies listed in subsection (b) of this~~

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENTS

~~Section may be corrected and resubmitted within 60 days after the date SURS sends notice of the deficiency or deficiencies. Such 60-day period is referred to in this Section as the cure period.~~

~~b)~~ ~~Only the following deficiencies may be corrected during the cure period:~~

~~1)~~ ~~The order is not accompanied by a $50 non-refundable processing fee, by check or money order made payable to the State Universities Retirement System, or else the check does not clear.~~

~~2)~~ ~~The order is not a certified copy of the original.~~

~~3)~~ ~~The order omits the residence address or Social Security number of the member or the alternate payee.~~

~~4)~~ ~~The order contains an inaccurate residence address or Social Security number of the member or the alternate payee.~~

~~5)~~ ~~The order contains a misspelled name of the member or the alternate payee.~~

~~6)~~ ~~The order applies to a person who became a SURS member before July 1, 1999, and is not accompanied by the original, or certified copy of a, valid Consent to Issuance of QILDRO signed by the member, or the consent form is not in the form adopted by SURS.~~

~~7)~~ ~~The order does not designate whether the alternate payee will receive automatic annual increases or similar periodic adjustments.~~

~~8)~~ ~~Any other deficiency deemed by SURS, in its sole discretion, to be of a minor nature.~~

~~c)~~ ~~If SURS receives an order containing one or more deficiencies identified in subsection (b) of this Section, and the order applies to a member who is currently receiving a monthly benefit payment, SURS will hold the portion of the benefit payable to the alternate payee during the cure period until either:~~

~~1)~~ ~~SURS determines that all deficiencies have been corrected during the cure period; or~~

~~2) The cure period expires and one or more deficiencies have not been corrected.~~

~~d) If SURS determines that all deficiencies have been corrected during the cure period, the QILDRO will be deemed received as of the date the original order was received.~~

~~e) If the cure period expires and SURS determines that one or more deficiencies have not been corrected, the order will be deemed invalid, and any amounts held during the cure period will be paid to the member.~~

(Source: Repealed at 31 Ill. Reg. _____, effective _____)

Section 1600.153 Filing a QILDRO with the System

a) A QILDRO or QILDRO Calculation Order should be sent to the SURS Legal Department~~Member Services Division~~, accompanied by the consent form, if applicable, and the $50 non-refundable processing fee.

b) A QILDRO or QILDRO Calculation Order will be deemed received by SURS on the date it is file-stamped as received at the SURS office.

c) Within 45~~30~~ calendar days after receiving a QILDRO or QILDRO Calculation Order, SURS will review the order~~it~~ and notify the member and each alternate payee by first-class mail that it has received the QILDRO or QILDRO Calculation Order, and whether it is a valid order. If SURS determines that the order is not a valid QILDRO or QILDRO Calculation Order, the notice will specify the ~~reason or~~ reasons.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1600.154 Modified QILDROs

a) A QILDRO or QILDRO Calculation Order that has been modified by the issuing court must be submitted in the same manner as the original order~~QILDRO~~. A separate $50 non-refundable processing fee is required for each modified order~~QILDRO~~.

b) A modified QILDRO will hold the same priority of payment that the original QILDRO held, as long as it does not increase the dollar amount or percentage of

any benefit payable to the alternate payee (except~~other than~~ cost-of-living adjustments~~adjustment~~) ~~of any benefit payable to the alternate payee~~ or affect a different benefit that was not previously affected. A modified QILDRO Calculation Order will not affect the priority of payment of the underlying QILDRO.

c) If a modified QILDRO does increase the amount or affect benefits not previously affected~~different benefits~~ (other than cost-of-living adjustment), it will lose the priority held by the original QILDRO and priority of payment will be based on the date SURS received the modified QILDRO.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1600.155 Benefits Affected by a QILDRO

a) A QILDRO may apply only to the following benefits administered by SURS:

1) A monthly retirement benefit;

2) A single-sum retirement benefit;

3) A termination refund;~~ and~~

4) A partial member's refund; and~~.~~

5) A death benefit.

b) If a QILDRO specifies a dollar amount payable to an alternate payee from any partial member's refund that becomes payable, the aggregate amount paid to the alternate payee from all partial member's refunds shall not exceed the dollar amount specified in the QILDRO.

c) A QILDRO shall not apply to any of the following:

~~1) A death benefit;~~

1)~~2)~~ A monthly survivor benefit;

2)~~3)~~ A disability benefit;

3)~~4)~~ A disability retirement annuity; and

4)~~5)~~ An error refund.

d) Any option pertaining to a benefit or refund that is left blank shall be interpreted to not apply to the order. If all options under a particular benefit or refund are blank, then the alternate payee shall not receive any portion of the benefit concerned.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1600.156 Effect of a Valid QILDRO

a) Division by Dollar Amount. A QILDRO provision specifying the amount of a benefit payable to the alternate payee as a dollar amount shall take effect in the following manner:

1) Monthly Retirement Benefits. If the aforementioned provision concerns a monthly retirement benefit, then the provision may take effect either immediately or at a later specified date. If it takes effect immediately, it shall become effective on the first benefit payment date occurring at least 30 days after the order is received by SURS.

2) Lump-sum Benefits. If the aforementioned provision concerns a lump-sum retirement benefit, a death benefit, a termination refund, or a partial member's refund, the provision shall take effect when the benefit becomes payable. However, the provision shall not take effect if the benefit has already been vouchered at the time SURS receives the QILDRO. SURS shall not delay or hold the processing of a lump-sum benefit on behalf of an alternate payee if a QILDRO respecting that alternate payee's interest has not been received.

b) Division by Percentage. A QILDRO provision specifying the amount of a benefit payable to the alternate payee as a percentage of the gross benefit or as a percentage of the marital portion of the benefit shall take effect in the following manner:

1) Monthly Retirement Benefits

A) Attachment of Alternate Payee's Interest

i) Timing of Attachment. If the QILDRO provision concerns a monthly retirement benefit, then the alternate payee's interest attaches to the benefit either immediately or at a later specified date. If the interest is to attach immediately, it shall attach on the first benefit payment date occurring at least 30 days after the order is received by SURS. If the interest is to attach at a later specified date, it shall attach on the first benefit payment on or following the specified date. An attached interest does not become payable until the System receives a QILDRO Calculation Court Order with respect to that interest.

ii) Holding of Anticipated Payments. For each monthly retirement benefit payment having an attached interest for which a QILDRO Calculation Order has not been processed under subsection (b)(1)(B) of this Section, SURS shall hold an amount of the monthly retirement benefit that, in SURS' sole discretion, reasonably anticipates the alternate payee's portion of the benefit. The member shall be paid the remaining portion of the monthly retirement benefit. SURS shall assume that all service, contributions, interest, or earnings attributable to periods between the marriage date and the date of dissolution are attributed to the marital period when calculating the amount held under this subsection (b)(1)(A)(ii), unless specified otherwise by a supplemental order. Any academic year containing a portion of the marital period shall, in its entirety, be considered part of the marital period for this purpose. Amounts held under this subsection (b)(1)(A)(ii) shall not accrue interest.

iii) If SURS cannot reasonably determine the anticipated payment from the QILDRO alone, then neither the member nor the alternate payee shall be paid until the QILDRO is modified to allow for a reasonable determination of the anticipated payment or the QILDRO Calculation Order is received.

B) Processing of the QILDRO Calculation Order

i) QILDRO Calculation Order Requirement. An attached interest of an alternate payee is payable only upon SURS' receipt of a valid QILDRO Calculation Order. No payment shall be made to the alternate payee under a QILDRO purporting to divide a monthly retirement benefit by a percentage unless his or her interest in a monthly retirement benefit is perfected under this subsection (b)(1)(B)(i).

ii) Payment under QILDRO Calculation Order. After SURS receives a valid QILDRO Calculation Order, all payments held on behalf of the alternate payee under subsection (b)(1)(A)(ii) of this Section shall be reapportioned among the member, the alternate payee, and other alternate payees as needed.

iii) In the event that SURS has overwithheld the alternate payee's anticipated portion, then the excess shall be distributed to the member and any other alternate payees in proportion to their share of the remaining portion of the monthly retirement benefit.

iv) In the event that SURS has underwithheld the alternate payee's anticipated portion, SURS shall make a deduction from the remaining portion of the next monthly retirement benefit payable following receipt of the QILDRO Calculation Order that, absent an agreement among all interested parties or a court order to the contrary, shall equal 50% of the remaining monthly retirement benefit. The deducted amount shall be paid to the alternate payee as soon as administratively possible. The deduction shall recur for each monthly retirement benefit thereafter until the alternate payee recoups the entire amount underwithheld. If the remaining monthly retirement benefit is divided between the member and other alternate payees, then deductions shall be made from each party on a pro-rata basis in relation to his or her share in the remaining monthly retirement benefit. Notwithstanding this requirement, no deduction shall be made from an alternate payee's interest unless the deducting alternate payee has a

priority of claim over the deductee alternate payee. SURS shall not pay any interest to the alternate payee for any amounts underwithheld.

C) In the event that a QILDRO terminates upon the death of the alternate payee before a valid QILDRO Calculation Order is received, all payments held under subsection (b)(1)(A)(ii) of this Section on behalf of the alternate payee shall revert to the member and, if they exist, to other alternate payees on a pro-rata basis in relation to their share in the remaining portion of the monthly retirement benefit.

2) Lump-Sum Benefits and Refunds

A) Alternate Payee's Interest Attached by a QILDRO. If the QILDRO provision concerns a lump-sum retirement benefit, a death benefit, a termination refund, or a partial member's refund, then the alternate payee's interest attaches to the benefit when the benefit becomes payable under the respective statute. However, the alternate payee's interest shall not attach if the benefit payment has already been vouchered at the time SURS receives the QILDRO. SURS shall not delay or hold the processing of a lump-sum retirement benefit, a death benefit, a termination refund, or a partial member's refund on behalf of an alternate payee if a QILDRO respecting that alternate payee's interest has not been received.

B) Payment under a QILDRO Calculation Order. No lump-sum benefit subject to a QILDRO dividing benefits by a percentage shall be paid to the member (or the member's estate or beneficiaries in the case of a death benefit) or any alternate payee unless a valid QILDRO Calculation Order is filed for each QILDRO directed to that lump-sum benefit. Where there are multiple QILDROs, the processing of the lump-sum benefit shall be delayed until all QILDRO Calculation Court Orders are received.

C) Priority of Payments. Benefits shall be paid in the following order of priority:

i) Recouping Overpayments. If a member, survivor, or other beneficiary was overpaid, any benefits payable shall be used towards recouping the overpayment before any QILDROs are applied.

ii) If a benefit is subject to multiple QILDROs, the QILDRO shall be satisfied, to the extent that the benefit is not exhausted, in the order in which the QILDROs were received by the System.

iii) Alternate payees shall be paid the death benefit or a portion thereof in accordance with a QILDRO before payment is made, to the extent the death benefit is not exhausted, to designated beneficiaries or a member's estate.

c) Account Divisions under the Self-Managed Plan. A QILDRO pertaining to a participant of the Self-Managed Plan having an account balance shall include the option of dividing the total account balance between the member and the alternate payee as of a certain date. The division shall be made in relation to a dollar amount, a percentage of the gross balance, or a percentage of a balance derived from the marital period.

1) Upon division, an alternate payee shall have the option of receiving the balance in the form of a lump-sum payment or maintaining a separate account with the service provider. The lump-sum payment may be made at any time following the date specified in the QILDRO pursuant to the proper request of the alternate payee. The maintenance of an account balance shall not create rights under the Self-Managed Plan for the alternate payee other than the investment and distribution of his or her account.

2) If the division is a percentage of the balance derived from the marital period, a QILDRO Calculation Order must be filed, stating the amounts to be transferred or paid to the alternate payee.

~~a) After SURS has determined that a QILDRO is valid, one of the following will occur:~~

~~1) If the member has not yet begun receiving benefits, the QILDRO will be placed in the member's file and will be implemented when the first~~

~~affected benefit payment begins; or~~

~~2) If the member is already receiving benefits subject to the QILDRO, payment to the alternate payee will begin with the first payment occurring at least 30 days after the QILDRO was received by SURS.~~

~~b) If a member has applied for a refund that has not yet been vouchered when SURS receives a QILDRO that purports to apply to the refund, SURS will hold the refund until the court clarifies whether the QILDRO applies to the pending refund payment. It is the member's or alternate payee's responsibility to obtain clarification from the court and to notify SURS of the court's clarification.~~

~~c) If a refund payment has already been vouchered when SURS receives a QILDRO that applies to the refund, the QILDRO shall not be effective against that refund.~~

~~d) "Vouchered" as used in this Section means the check has been processed and printed.~~

~~e) If a benefit is subject to multiple QILDROs, the QILDROs will be satisfied, to the extent that the benefit is not exhausted, in the order in which the QILDROs were received by the System.~~

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1600.158 Alternate Payee's Address

a) An alternate payee is responsible to report to SURS, in writing, each change in his or her name and residence address.

b) When a member's retirement benefit or refund subject to a QILDRO becomes payable, SURS will send notice to the alternate payee's last known address that the retirement benefit, ~~or~~ refund, or death benefit is payable. Beyond that, SURS shall have no duty to take any other action to locate an alternate payee.

c) If the notice is returned undelivered, SURS will hold the amount payable to the alternate payee, as provided in Section 1-119(e)(2) of the Pension Code~~Act~~ [40 ILCS 5/1-119(e)(2)] for 180 days from the date SURS sent the notice or 180 days from the date the benefit becomes payable, whichever is later. The amount held will not bear interest.

d) If SURS is notified of the alternate payee's current address within 180 days, SURS will release the amount held to the alternate payee. If SURS does not learn of the alternate payee's current address within 180 days, SURS will release the amount held to the member.

e) If SURS later learns of the alternate payee's current address, SURS will implement the QILDRO but the alternate payee will have no right to any amounts already paid to the member.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1600.159 Electing Form of Payment

a) A member whose benefit is subject to a QILDRO may not elect a form of payment that would diminish the amount payable to the alternate payee, unless the alternate payee has consented to such election in a notarized written statement submitted to SURS~~writing~~, as provided in Section 1-119(j)(1) of the Pension Code~~Act [40 ILCS 5/1-119(j)(1)]~~.

b) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/Art. 20] is not a prohibited election under Section 1-119(j)(1) of the Pension Code~~Act~~.

c) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Pension Code~~Act~~.

d) A member's election of a form of payment of annuity that reduces the member's total benefit, while still allowing full payment to the alternate payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the Pension Code~~Act~~.

e) If there is some question as to whether an election would diminish the amount payable to an alternate payee, SURS may hold the election until clarification is obtained from a court of competent jurisdiction. It shall be the duty of the member or alternate payee to obtain clarification.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1600.161 Expiration of a QILDRO

a) A QILDRO expires upon the death of the alternate payee. The right to receive the affected benefit will then revert to the member.

b) A QILDRO expires upon the death of the member, except to the extent that the order pertains to a death benefit.

c) A QILDRO expires when the member takes a refund that terminates his or her participation in SURS. This is true even if the member's refund is paid to an alternate payee. A QILDRO that expires because the member took a refund is not renewed by his or her subsequent return to SURS membership.

d) If a retired member returns to work, the QILDRO payments may be suspended. If so, the payments will resume when the member retires again.

e) A QILDRO expires upon receipt of a certified copy of a court order terminating the QILDRO.

f) A QILDRO expires after the specified number of payments have been made to the alternate payee under paragraph III(D)(2) of Section 1-119(n) of the Pension Code, unless the alternate payee is to receive all or a portion of the death benefit.

g) The QILDRO expires upon payment of a death benefit or portion of the benefit to the alternate payee under paragraph VII of Section 1-119(n) of the Pension Code.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1600.163 Providing Benefit Information for Divorce Purposes

a) Information by Subpoena or Member Request. SURS shall provide the information listed under Section 1-119(h)(1) of the Pension Code within 45 days after receipt of a subpoena from any party to a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage in which a QILDRO may be issued, or after receiving a request from the member. If so requested in the subpoena, SURS shall also provide in response general retirement plan information available to a member and any relevant procedures, rules, or modifications to the model QILDRO.~~Within 45 days after receiving a subpoena or request from a member, SURS will provide a statement for divorce purposes regarding the value of a member's retirement benefit through the last completed academic year for which data are on file with SURS.~~

b) QILDRO Dividing by Percentages. If a QILDRO provides for the alternate payee to receive a percentage of a retirement benefit, SURS shall provide the applicable information to the member and the alternate payee, or to one designated representative of each as indicated below:~~Information provided by SURS for divorce purposes does not include the value of a member's retirement benefit accrued during an academic year for which data are not yet on file with SURS.~~

1) Self-Managed Plan Account Divisions under Section 1-119(h)(1.5)(A). If a member is a participant in the Self-Managed Plan and the QILDRO provides that the only benefit the alternate payee is to receive is a percentage of the member's vested account balance on a specific date that has already past, then, within 45 days after SURS receives the QILDRO, SURS shall provide the account balance to which the QILDRO percentage is to be applied.

2) Preliminary Information under Section 1-119(h)(1.5)(B). SURS will provide the information listed under Section 1-119(h)(1.5)(B) of the Pension Code within 45 days after receipt of the QILDRO; provided, however, if a member is a participant in the Self-Managed Plan and the QILDRO provides the alternate payee a portion of the member's monthly retirement benefit, SURS shall provide the gross amounts of the member's monthly annuity benefit calculated as of the date of receipt of the QILDRO under the various annuitization options offered by the Self-Managed Plan Service Providers employed by SURS at the time instead of subparagraph 1-119(h)(1.5)(B)(iii).

3) Finalized Information under Section 1-119(h)(1.5)(C). SURS shall provide the information under Section 1-119(h)(1.5)(C) of the Pension Code within 45 days after receipt of the QILDRO if received after the effective date of retirement. If the QILDRO is received before the effective date of retirement, then SURS shall provide the information within 45 days after all information necessary for the finalization of the member's benefits has been received.

c) Information provided by SURS for divorce purposes does not include the value of a member's retirement benefit accrued during an academic year for which data are not yet on file with SURS.~~reflect an actuarial opinion as to the present values of a member's retirement benefit, refund, or other interests.~~

d) Information provided by SURS for divorce purposes does not reflect an actuarial

opinion as to the present value of a member's retirement benefit, refund, or other interests.

e) Information provided by SURS for divorce purposes reflects the member's total service career for which service credit in SURS has accrued, and is not isolated as to the marital period only.

~~e) SURS does not calculate the amount of a member's retirement benefit or refund that would be payable to a former spouse pursuant to a divorce decree or dissolution judgment.~~

f) While SURS makes every effort to provide accurate information for divorce purposes, benefit estimates are by their nature approximate and subject to revision due to errors, omissions, erroneous assumptions, or future changes in the rules and laws governing SURS.

g) SURS does not disclose information for divorce purposes to spouses, former spouses, relatives, or other third parties, including the member's attorney, except in response to the member's written authorization to release such information, or~~in~~ response to a subpoena, or in accordance with subsections (a) and (b) of this Section.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standard Procurement

2) Code Citation: 44 Ill. Adm. Code 1

3)

Section Numbers:	Adopted Action:
1.1	Amendment
1.5	Amendment
1.8	Amendment
1.15	Amendment
1.25	Amendment
1.1040	Amendment
1.1050	Amendment
1.1525	Amendment
1.2005	Amendment
1.2010	Amendment
1.2012	Amendment
1.2015	Amendment
1.2020	Amendment
1.2025	Amendment
1.2030	Amendment
1.2037	Amendment
1.2038	Amendment
1.2040	Amendment
1.2045	Amendment
1.2046	Amendment
1.2050	Amendment
1.2060	Amendment
1.2560	Amendment
1.2575	New Section
1.2800	Amendment
1.4535	Amendment
1.4575	New Section
1.5520	Amendment
1.5550	Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500]

5) Effective Date of Amendments: October 20, 2006

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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) Date Notice of Proposal was Published in the Illinois Register: October 21 2005; 29 Ill. Reg. 15678

10) Has JCAR issued a Statement of Objection to these Amendments? No

11) Differences between proposal and final version: The Source Note was updated to reflect recent rulemakings. Section numbers 1.01, 1.05 and 1.08 were changed to 1.1, 1.5 and 1.8. Many other technical and non-substantive changes were made throughout the rulemaking at the suggestion of JCAR. Substantive changes were made to the following Sections/subsections: In Section 1.15, definitions were added for "building services", "domestic product", "natural resources services", "protest review office", "scoring tool", "site technician services", "state witness", "subfactor", and "zone of contention"; in Section 1.2005(u) language was modified to identify contents of a procurement file; Section 1.2005(n) requires that contracts reflect the requirement of the selected bid/proposal; in Section 1.2012(e)(2), the two-step process was modified to better reflect statutory language; Section 1.2015(e) requires that the proposal opening record to state whether price package was included; in Section 1.2015(f), language was modified to clarify that evaluation subfactors and the relative importance shall be identified and only those may be evaluated, and that price proposal must be opened with a witness; in Section 1.2015(g), the process for best & finals was defined; Section 1.2015(h) requires that if a low price proposal is not selected reasons must be stated in award notice; Section 1.2015(d) requires CMS approve sole source procurement postings; Section 1.2037 requires that tie bids will be resolved by lot unless the purchasing agency determines another factor shall be used; Section 1.2038 combined the bid and proposal mistake process into one and requires documentation of the resolution; Section 1.2040 identifies standards for cancelling or rejecting bids/proposals; Section 1.2045(a) states that prequalification include information about whether a vendor makes something domestically; Section 1.2046 allows for information regarding "responsibility" to be requested at any time during the procurement process; Section 1.2050 places additional restrictions on vendors who provide pre-solicitation assistance to a procuring agency; Section 1.2060 states that billable work is not to begin until a vendor has a signed contract but the SPO may make exceptions in limited situations, and that a contract may contain a renewal term that binds the vendor beyond the maximum 10-year term; Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1.2560 adds several services subject to prevailing wage requirements; Section 1.2575 requires that vendors must identify subcontractors and the amounts payable to each; Section 1.4575 provides language to address domestic products preference; and Section 1.5550 revised the protest procedure.

12) Have all of 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 rulemaking currently in effect? No

14) Are there any proposed rulemakings pending on this Part? Yes

Section	Proposed Action	1st Notice
1.4545	Amendment	30 Ill. Reg. 4203; 03/17/06

15) Summary and Purpose of Amendments: This rulemaking primarily reflects new laws (e.g., the Domestic Products Act and amendments to the Procurement Code); addresses issues raised by the Auditor General (e.g., better documentation of decisions, identifying components of the total price that will be evaluated, being more precise in stating what factors a best & final request covers, requiring approval if a vendor must begin work before the contract is signed, requiring all vendors to identify subcontractors and the prices that will be paid to each, and clarifying the restrictions on the use of vendors who provide pre-solicitation assistance); makes the procurement process more open and accessible (e.g., stating that bid prices shall be read aloud rather than simply recorded and requiring review and approval of sole source requests); and makes adjustments to reflect better practices (e.g., managing tie bids and processing of protests).

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

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

(217)785-1793

17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? The Procurement Policy Review Board has been involved with this rulemaking since 1st Notice publication.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1
STANDARD PROCUREMENT

SUBPART A: GENERAL

Section
1.1~~1.01~~ Title
1.5~~1.05~~ Policy
1.8~~1.08~~ Purpose and Implementation of This Part
1.10 Application
1.15 Definition of Terms Used in This Part
1.25 Property Rights
1.30 Constitutional Officers, and Legislative and Judicial Branches

SUBPART B: PROCUREMENT RULES

Section
1.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section
1.1005 Exercise of Procurement Authority
1.1010 Appointment of State Purchasing Officer
1.1030 Associate Procurement Officers
1.1040 Central Procurement Authority of the CPO
1.1050 Procurement Authority of the SPO; Limitations
1.1060 Delegation
1.1070 Toll Highway Authority
1.1075 Department of Natural Resources
1.1080 Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1.1510 Illinois Procurement Bulletin
1.1525 Bulletin Content
1.1550 Official State Newspaper
1.1560 Supplemental Notice
1.1570 Error in Notice
1.1580 Direct Solicitation
1.1590 Retention of Bulletin Information

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section
1.2005 General Provisions
1.2010 Competitive Sealed Bidding
1.2012 Multi-Step Sealed Bidding
1.2015 Competitive Sealed Proposals
1.2020 Small Purchases
1.2025 Sole Economically Feasible Source Procurement
1.2030 Emergency Procurements
1.2035 Competitive Selection Procedures for Professional and Artistic Services
1.2036 Other Methods of Source Selection
1.2037 Tie Bids and Proposals
1.2038 Mistakes
1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section
1.2043 Suppliers
1.2044 Vendor List/Required Use
1.2045 Prequalification
1.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
1.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section
1.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
1.2060 Duration of Contracts − General

SUBPART K: CONTRACT MATTERS

Section
1.2560 Prevailing Wage
1.2570 Equal Employment Opportunity; Affirmative Action
1.2575 Subcontractors

SUBPART L: CONTRACT PRICING

Section
1.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section
1.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
1.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

Section
1.4505 Procurement Preferences
1.4510 Resident Bidder Preference

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1.4530 Correctional Industries
1.4535 Sheltered Workshops for the Disabled
1.4540 Gas Mileage
1.4545 Small Business
1.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
1.4575 Domestic Products

SUBPART P: ETHICS

Section
1.5013 Conflicts of Interest
1.5015 Negotiations for Future Employment
1.5020 Exemptions
1.5030 Revolving Door
1.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

Section
1.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section
1.5510 Complaints Against Vendors
1.5520 Suspension
1.5530 Resolution of Contract Controversies
1.5540 Violation of Law or Rule
1.5550 Protests

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

Section
1.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

Section
1.6500 General

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1.6510 No Agency Relationship
1.6520 Obligations of Participating Governmental Units
1.6530 Centralized Contracts − Estimated Quantities
1.6535 Centralized Contracts − Definite Quantities

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
1.7000 Severability
1.7010 Government Furnished Property
1.7015 Inspections
1.7020 Records and Audits
1.7025 Written Determinations
1.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; emergency amendment at 29 Ill. Reg. 20540, effective December 2, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 5673, effective March 7, 2006, for the balance of the 150 days; amended at 30 Ill. Reg. 138, effective December 22, 2005; amended at 30 Ill. Reg. 13378, effective July 25, 2006; amended at 30 Ill. Reg. 17305, effective October 20, 2006.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL

Section 1.1~~1.01~~ Title

This Part may be cited as the Standard Procurement Rules.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.5~~1.05~~ Policy

All State procurements shall be accomplished in the most economical, expeditious and commercially reasonable manner that is in accordance with statute, this Part and other applicable rules.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.8~~1.08~~ Purpose and Implementation of This Part

a) This Part establishes rules necessary and appropriate to implement the authorities granted by the Illinois Procurement Code (Code) [30 ILCS 500] relating to the procurement, management, and control of supplies, services, real estate leases and related capital improvement, concessions and, as applicable, construction, and necessary rulemaking under the authority of the Code.

b) This Part applies to all procurements and procurement rulemaking under the jurisdiction of the Chief Procurement Officer (CPO) and any State Purchasing Officer (SPO) appointed by the CPO. For the purposes of this Part, any reference to CPO means the Director of the Department of Central Management Services unless the context indicates otherwise.

c) This Part is intended to make policies, procedures and guidelines for procurement activities of ~~necessary supplies and services by~~ State agencies uniform and consistent among and within State agencies in order to facilitate participation in State procurements, encourage competition, and ensure that procurements are conducted in a fair and open manner. Implementation by and within State agencies shall be consistent with this Part. Operational interpretations are to be made in a flexible manner designed to secure the State's needs and protect the State's interests.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 1.15 Definition of Terms Used in This Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined below, and each term listed in this Section shall have the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" – The response to an Invitation for Bids.

"Bidder" – Any person who submits a bid.

"Brand Name or Equal Specification" – A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and that allows the submission of equivalent products.

"Brand Name Specification" – A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Building Services" – Repairs to or maintenance of the structure, but does not include janitorial or window washing services.

"Chief Procurement Officer" or "CPO" – The Director of the Department of Central Management Services or a designee.

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Concession" – The right or a lease to engage in a certain activity for profit on the lessor's premises (e.g., a refreshment or parking concession).

"Consulting Services" – Services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" – A contract may be in written or oral form. The term contract as used in the Code and this Part does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission

or the Federal Communications Commission, bonds, or contracts relating to bonds issued by or on behalf of a State Agency when the contractor or vendor is neither selected nor paid by the State Agency. The term "contract" includes, but is not limited to purchase, installment purchase, lease and rental contracts.

"Contractor" or "Vendor" – The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

"Day" – Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"Domestic Product" – A product that meets the requirements of the Procurement of Domestic Products Act [30 ILCS 5/7].

"Grounds Services" – Lawn care, landscaping and snow and ice removal services.

"Items" – Anything that may be procured under this Code.

"Invitation for Bids" or "IFB" – *The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.* [30 ILCS 500/1-15.45]

"Natural Resources Services" – These are services provided to the Department of Natural Resources or the Historic Preservation Agency. Services consist of non-supervisory activities of a routine, repetitive, non-discretionary nature not needing special expertise, training or education. These services include, but are not limited to, assisting in the operation of tree nurseries, fish hatcheries, game farms and sanctuaries; cleaning and maintenance of specialized facilities; repairing fences and building cages; mowing; and trail and ancillary facility repair.

"Offeror" – A person who responds to an Invitation for Bids, Request for Proposals or other form of solicitation.

"Procurement Officer" – The Chief Procurement Officer (CPO) or appropriate State Purchasing Officer (SPO) who conducts the particular procurement, or a designee of either.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Proposal" – The response to a Request for Proposals.

"Protest Review Office" – The office address of the person designated in the solicitation document to whom protests must be directed. This person will respond to or coordinate the response to the protest.

"Purchase of Care" – *A contract with a person for the furnishing of medical, educational, psychiatric, vocational, rehabilitation, social, or human services directly to a recipient of a State aid program.* [30 ILCS 500/1-15.68] Purchase of care includes services provided or arranged to be provided by the vendor in conjunction with the purchase of care. Such services may include administrative and management services, enrollment, health education, grievance procedures, case management, utilization review, quality assurance, peer review, or marketing. Recipient of a State aid program includes applicants for a State aid program.

"Qualified Products List" – An approved list of supplies described by model or catalog numbers that, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

"Request for Proposals" or "RFP" – *The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.* [30 ILCS 500/1-15.75]

"Requesting Agency" – The agency that requests that the CPO conduct a procurement for its use. All procurements reserved to the CPO that have not been delegated must be initiated by a purchase request.

"Responsive Bidder" – *A person who has submitted a bid that conforms in all material respects to the invitation for bids.* [30 ILCS 500/1-85]

"Responsible Offeror" – A person who has submitted an offer that conforms in all material respects to the Request for Proposals.

"Scoring Tool" – The document used by the individuals evaluating the responses to a solicitation to show whether or how well an offeror met requirements set forth in the solicitation.

"Service" – *The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are*

incidental to the required performance and the financing thereof. [30 ILCS 500/1-15.90]

"Site Technician Services" – These are services provided to the Department of Natural Resources or the Historic Preservation Agency. These services consist of non-supervisory activities of a routine, repetitive, non-discretionary nature not needing special expertise, training or education. These services include, but are not limited to, the maintenance of the site, including operating small farm-type equipment and trucks that do not require a Class C or D driver's license.

"Solicitation" – An Invitation for Bids, a Request for Proposals or other request to one or more vendors to respond to a procurement need expressed by the State.

"Specification" – Any description of the physical, functional, or performance characteristics, or of the nature of a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" – A specification that has been developed and approved for repeated use in procurements.

"State Agency~~agency~~" – *Includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government and does include colleges, universities, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Board of Higher Education. However, this term does not apply to public employee retirement systems or investment boards that are subject to fiduciary duties imposed by the Illinois Pension Code or to the University of Illinois Foundation. "State agency" does not include units of local government, school districts, community colleges under the Public Community College Act, and the Illinois Comprehensive Health Insurance Board.* [30 ILCS 500/1-15.100]

"State Witness" – An employee of the State, appointed by the LPO or the executive head or SPO of the procuring agency, to observe the opening of sealed proposals.

"Subfactor" – A subset of a main evaluation factor. Main evaluation factors are identified in the solicitation. Subfactors that are separately evaluated within a factor are also identified in the solicitation.

"Supplies" – *All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies.* [30 ILCS 500/1-15.110]

"Unsolicited Offer" – Any offer other than one submitted in response to a solicitation.

"Zone of Contention" – A vendor is considered in the Zone of Contention if, after evaluation of qualification/technical response factors and the addition of maximum price evaluation points, the vendor could potentially win the award.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.25 Property Rights

Receipt of an Invitation for Bids or other solicitation or procurement document, or submission of any response thereto, or other offer, confers no right to receive an award or contract, nor does it obligate the State in any manner.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART C: PROCUREMENT AUTHORITY

Section 1.1040 Central Procurement Authority of the CPO

a) The CPO may establish master, scheduled or open-ended contracts for any item~~supplies and services~~, and those contracts shall be utilized by State agencies in accordance with the terms of those contracts~~ for the procurement of supplies and services covered by those contracts~~.

b) The following items will be procured by the CPO as the central purchasing agency. These items may be procured by an SPO only as provided in this Subpart or in a letter of delegation from the CPO authorizing the procurement activity.

1) Supplies. The CPO shall procure all supplies exceeding $25,000. In

addition the CPO shall procure:

A) printing exceeding $10,000; and

B) regardless of price:

i) Employee benefits authorized under the State Employees Group Insurance Act or the Personnel Code;

ii) Financing of any procurement;

iii) Paper, stationery, envelopes;

iv) Postage stamps;

v) Property, casualty, liability and other insurance, and bonds;

vi) All telecommunications material, equipment, software and related goods. (Equipment used to provide data communications internal to a building is considered to be Local Area Network equipment and is therefore excluded from this provision.);

vii) Utilities for buildings managed by the CPO;

viii) Vehicles.

2) Services. The CPO shall procure the following services:

A) Electronic data processing services including, but not limited to, consulting and professional and artistic services, exceeding $25,000;

B) Regardless of price, all telecommunications related services including, but not limited to:

i) voice, data, video, and internet working services delivered from private and or public network services, dedicated and/or virtual networking. Wide Area Networking and/or Metropolitan Area Networking, local exchange services,

long distance services, radio frequency derived communications services (e.g., cellular, PCS, land mobile, microwave, etc., service);

ii) repairs, additions, relocations, or related changes to telecommunication services;

iii) consulting, professional and artistic services relating to telecommunications issues.

C) Vehicles related services, including but not limited to, fleet management and repairs, regardless of price.

3) Real Estate. The CPO shall procure all leases of real estate and any capital improvements to the leased real estate for the use of State agencies, regardless of price.

c) Central Procurement Procedures

1) Purchase Requests
For purchases that are reserved to the CPO, each agency must initiate the procurement process through submission of a purchase request to the CPO. The CPO shall designate the format and requirements for submission.

2) Chief Procurement Officer's Authority to Reject
When the CPO, after consultation with the requesting agency, decides that processing the purchase request is clearly not in the best interest of the State, or that further review is needed, the CPO shall return such purchase request to the requesting agency. A statement of the reasons for its return shall accompany the returned request. Examples of reasons a purchase request may be returned include, but are not limited to:

A) the request can be satisfied from existing State inventory or State contracts;

B) the request exceeds agency needs;

C) the needs requested could be procured more economically at a different time without detriment to the State; or

D) the quality requested is inconsistent with State standards and usage.

3) Determination of Contractual Terms and Conditions
The CPO has authority to determine the terms and conditions of solicitations and contracts. The CPO will consult with the requesting agency if the agency requests special terms and conditions.

d) The CPO may, after consultation with and notice to any affected SPO, use central procurement procedures for items in addition to those listed in this Section upon its determination that such procedures are likely to result in significant efficiencies or economies.

e) The CPO and the CPOs of the construction agencies will determine whether a supply item or group of supply items shall be included as a part of, or procured separately from, any contract for construction.

f) The CPO, as Director of the Department of Central Management Services, has additional duties and responsibilities established in statute apart from the Code, and nothing in this Part shall be interpreted to limit those other statutory duties and responsibilities.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.1050 Procurement Authority of the SPO; Limitations

a) SPO's Authority
The SPOs appointed by the CPO shall have authority to make all procurements for the use of the SPO's agency that are not under the central procurement authority of the CPO, another CPO, or a construction agency. Such procurements shall be conducted in accordance with applicable statute, this Part and any limitations set by the CPO.

b) Emergency Procurements

1) Agencies shall report telecommunications emergencies to the Department of Central Management Services' Network Control Center. Emergency procurements shall be made or authorized by the Department of Central Management Services. If the Network Control Center number cannot be

reached, the Agency shall take reasonable temporary measures to meet its telecommunications needs.

2) For all other emergency procurements, whenever practicable, SPOs shall contact the CPO for instructions for meeting needs in emergency situations for each procurement under the central procurement authority of the CPO. SPOs shall utilize existing contracts established by he CPO whenever practicable. Quick purchases under Section 1.2030 of this Part must be approved by the CPO for those items under the jurisdiction of the CPO as identified in Section 1.1040 of this Part.

c) Professional and Artistic Services
Each SPO shall have authority, subject to the supervision of the CPO, to procure those professional and artistic services that are not under the central procurement authority of the CPO. Supervision primarily consists of ensuring SPO compliance with the procurement procedures established by the Code and this Part for procuring these services, but also includes without limitation the authority to review and require modifications to specifications; schedule for opening proposals; evaluation criteria; and awards when deemed necessary to protect the State's interests and ensure compliance with the Code and this Part.

d) Correctional Industries
Each SPO shall have authority to procure supplies and services from the Department of Correction's Correctional Industries program.

e) CPO Contracts
SPOs do not have the authority to procure items~~supplies or services~~ for which the CPO establishes master, scheduled or open-ended contracts, except as permitted in the terms of those contracts.

f) Department of Central Management Services
SPOs must procure from the Department of Central Management Services items ~~do not have authority to procure supplies or services~~ available from any of the program operations of the Department of Central Management Services unless specifically authorized to procure from another source. This includes, but is not limited to:

1) Paper and Printing Warehouse;

2) Division of Vehicles system; and

3) Central Computing Facility.

g) Review by CPO
Any procurement related activity of an SPO may be reviewed by the CPO, and the SPO shall supply information requested by the CPO. Should the CPO determine that the SPO's activities were not in accordance with the requirements of the Code, this Part or good procurement practices, or is otherwise not in the State's best interest, the CPO may consult with the SPO or executive head of the agency and, if necessary, may place additional limits on the SPO's authority. These additional limitations will be communicated in the form of written notice sent by the CPO to the SPO and the executive head of the agency.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section 1.1525 Bulletin Content

a) The information in each volume of the Bulletin will be updated at least once per month and may be updated as frequently as daily. The format, lead-time and other administrative requirements for submitting notices to the Bulletin will be provided in writing by the CPO to each SPO.

b) Notice of each procurement request governed by the Code that must be conducted by competitive sealed bidding, including multi-step sealed bidding~~biding~~, competitive sealed proposals, ~~or~~ competitive selection procedures, or real estate requests for information, shall be placed in the Bulletin. The notice shall contain at least the following information:

1) the name of the procuring agency (and using agency, if different);

2) a brief purchase description;

3) a procurement reference number, if used;

4) the date the procurement is first offered (procurements that require notice shall not be distributed to vendors prior to the date the notice is first published in the Bulletin);

5) the date, time, and location for making submissions;

6) the method of source selection;

7) the name of the Procurement Officer in charge; and

8) instructions on how to obtain detailed information.

c) Notice of each contract awarded that was subject of a notice in subsection (b) ~~above~~ shall be placed in the Bulletin. This notice shall contain at least the following information:

1) the information published in subsection (b) ~~above~~;

2) the name of the vendor selected for award;

3) the contract price;

4) the number of unsuccessful responsive vendors; and

5) other disclosures required to be published in the Bulletin.

d) The following information regarding emergency procurements shall be published in the Bulletin within 10~~14~~ days after commencement of performance under the emergency contract:

1) name of the procuring agency (and using agency, if different);

2) name of the vendor selected for award;

3) brief description of what the vendor will do or provide;

4) total price (if only an estimate is known, it shall be published, but a subsequent notice repeating all required information shall be published when the final amount is known);

5) reasons for using the emergency method of source selection; and

6) name of the Procurement Officer in charge.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

e) The following information in regard to sole source procurements shall be published in the Bulletin at least 14 days prior to entering into the contract with the designated sole source vendor:

1) name of the procuring agency (or using agency, if different);

2) name of the vendor;

3) brief description of what the vendor will do or provide; and

4) name of the Procurement Officer in charge.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1.2005 General Provisions

a) Late Bids or Proposals, Late Withdrawals and Late Modifications

1) Definition. Any bid, ~~or~~ proposal, modification or withdrawal received after the time and date for receipt~~, and at other than the specified location,~~ is late. A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the agency shall not be responsible for ensuring such subsequent delivery. ~~Any withdrawal or modification of a bid or proposal received after the time and date set for opening of bids or proposals is late. If received at other than the specified location, the submission is late.~~

2) Treatment. No late bid or proposal, late modification, or late withdrawal will be considered unless the Procurement Officer, and not a designee, determines it would have been timely but for the action or inaction of State personnel directly serving the procurement activity (e.g., providing the wrong address).

3) Records. Records shall be made and, in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.

4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.

b) Extension of Time

1) The Procurement Officer may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time for the convenience of the State.

2) After opening bids or proposals, the Procurement Officer may request bidders or offerors who submitted timely bids or proposals to extend the time during which the State may accept the bids or proposals, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit bids or proposals.

c) Electronic and Facsimile Submissions

1) The Invitation for Bids or Request for Proposals may state that electronic and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the IFB or RFP.

2) Electronic submissions authorized by specific language in the IFB or RFP will be opened in accordance with electronic security measures in effect at the purchasing agency at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.

3) Fax submissions authorized by specific language in the IFB or RFP will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.

d) Intent to Submit
The Invitation for Bids or the Request for Proposals may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.

e) Only One Bid or Proposal Received

If only one bid or proposal is received, an award may be made to the single bidder or offeror if the Procurement Officer finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise:

1) new bids or offers may be solicited, including under sole source (Section 1.2025) or emergency (Section 1.2030) procedures; or

2) the procurement may be canceled.

f) Alternate or Multiple Bids or Proposals

1) Alternate bids or proposals may be accepted if:

A) permitted by the solicitation and in accordance with instructions in the solicitation; or

B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 1.2025 (Sole Source Procurement) of this Part; or

C) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications.

2) Multiple bids or proposals may be accepted if:

A) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or

B) only one vendor responded, then, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.

3) If a vendor clearly indicates a primary submission among alternate or multiple bids or proposals, then that primary submission shall be considered for award as though it were the only bid or proposal submitted by the vendor.

g) Multiple Items

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.

h) "All or None" Bids or Proposals
All or none bids or proposals may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

i) Conditioning Bids or Proposals Upon Other Awards
Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:

1) be rejected unless the vendor removes the condition; or

2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFBs or RFPs provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.

j) Unsolicited Offers

1) Processing of Unsolicited Offers. The Procurement Officer may consider unsolicited offers. If the SPO of an agency that receives an unsolicited offer is not authorized to enter into a contract for the items~~supplies or services~~ offered, the SPO of such agency may forward the offer to the CPO, who may consider such unsolicited offer.

2) Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.

3) Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part except if that unsolicited offer meets the requirements for a small (Section 1.2020), sole source (Section 1.2025), or emergency (Section 1.2030) procurement.

k) Clarification of Bids and Proposals
The Procurement Officer may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change

its bid or proposal in response to a request for clarification. A clarification is not an opportunity to make changes or for submission of Best & Finals~~best and finals~~ as authorized elsewhere in this Part.

l) Extension of Time on Indefinite Quantity Contracts
The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Procurement Officer determines in writing that it is not practical to award another contract at the time of such extension.

m) Increase in Quantity on Definite Quantity Contracts

1) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20% provided the Procurement Officer determines that separate bidding for the additional quantity is not likely to achieve lower pricing. A particular procurement may specify a different percentage.

2) The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the applicable small purchase (Section 1.2020) threshold.

n) Subsequent Purchase Request
If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid on behalf of an agency, the CPO receives a purchase request from another agency for the same item and for the same or lesser quantity, the CPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if such contract is acceptable to the vendor.

o) Assignment, Novation or Change of Name

1) Assignment. No State contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer, provided, however, that a vendor may assign money receivable under a contract after due notice to the State. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the State.

2) Recognition of a Successor in Interest; Novation. When in the best

interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:

A) the transferee assumes all of the transferor's obligations;

B) the transferee meets all requirements for contracting with the State;

C) the transferor waives all rights under the contract as against the State; and

D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the State, furnish a satisfactory performance bond.

3) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with the State. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

4) Reports. All change of name or novation agreements under this subsection (o) shall be reported to the CPO within 30 days after the date the agreement becomes effective so that the bid list may be updated.

p) Contracting for Installment Purchase Payments, Including Interest
Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].

q) Use of Source Selection Method that is Not Required
If a purchasing agency uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), the purchasing agency is not bound to strict compliance with the Code and rules governing the method of source selection used.

r) Vendor Signature
A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.

s) Stringing

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.

t) Confidential Data
Vendors must clearly identify any information that is exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.

u) Documentation of Procurement Actions
Each SPO shall maintain in the procurement or associated contract file all substantive documents and records of communications that pertain to the procurement and any resulting contract. This shall include, as applicable, but is not limited to:

1) Procurement Business Case or other form of decision memo showing approvals to proceed at all stages,

2) Procurement Bulletin Postings,

3) Solicitation document (e.g., IFB) and all amendments, clarifications and Best & Final requests,

4) Vendors' responses, including clarifications and responses to Best & Final requests (losing responses may be stored elsewhere),

5) Evaluation material (e.g., scoring guidelines and forms; completed score sheets for individual evaluators, including notes; evaluation committee's combined score sheets; evaluation committee's recommendation; and management's decision),

6) Protest and resolution,

7) Contract and any order, change, amendments, renewal or extension,

8) Contractor Performance reviews,

9) All information from subsections (u)(1)-(u)(8), less information exempt from disclosure under the Freedom of Information Act [5 ILCS 140], shall be prepared and available for inspection and copying, with information from subsections (u)(1)-(u)(5) available on the date any award is posted to

the Procurement Bulletin.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2010 Competitive Sealed Bidding

a) Application
Competitive sealed bidding is the required method of source selection except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.

b) The Invitation for Bids

1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.

2) Content. The Invitation for Bids shall include, at a minimum, the following:

A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, and the maximum time for bid acceptance by the State;

B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description; and

C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.

c) Bidding Time
Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by

the Code or this Part.

d) Bidder Submissions

1) Bid Form. The Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed.

2) Bid Samples and Descriptive Literature

A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.

B) Unsolicited bid samples or descriptive literature are submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the State.

e) Public Notice

1) Publication. Every procurement for supplies and services in excess of the small purchase amount that must be procured using an Invitation for Bids shall be publicized in the Illinois Procurement Bulletin (see Section 1.1510).

2) Public Availability. A copy of the Invitation for Bids shall be made available for public inspection.

3) Distribution. Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained; generally describe what is needed; and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the Invitation for Bids.

f) Pre-Bid Conference
A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part

of the Invitation for Bids notice. The conference may be designated as "attendance mandatory" or "attendance optional". The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written amendment~~modification~~ to the Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

g) Amendments to Invitations for Bids

1) Form. Amendments to Invitations for Bids shall be clearly identified and shall reference the portion of the IFB it amends.

2) Distribution. Amendments shall be made available to all prospective bidders known to have received an Invitation for Bids.

3) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by e-mail, fax or telephone and confirmed in the amendment.

h) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

i) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification shall be time-

stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Opening and Recording

A) Bids and modifications shall be opened publicly at the time, date, and place designated in the Invitation for Bids. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer~~,~~ shall be recorded and ~~the name of each bidder~~ read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

B) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.

j) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria for price or responsiveness that are not disclosed in the Invitation for Bids.

2) Responsibility. Responsibility of prospective vendors is covered by Section 1.2046 (Responsibility) of this Part.

3) Responsiveness. A bid must conform in all material respects to the Invitation for Bids.

A) Product or Service Acceptability. The Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:

i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;

ii) examination of such elements as appearance, finish, taste, or feel;

iii) other examinations to determine whether it conforms with any other purchase description requirements.

B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall provide for the equitable treatment of all bids. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for such items or terms is unbalanced when compared to other pricing in the bid.

5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

k) Documentation of Award
Following award, a record showing the successful bidder shall be made a part of the procurement file.

l) Award to Other Than Low Bidder

1) The Procurement Officer, but not a designee, may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the Bulletin.

2) This action may be appropriate when the difference in quality or speed of delivery is so great as compared to the difference in price, and considering the needs of the agency, that a best value award is justified. However, if the difference in price is significant, the Procurement Officer may not utilize this provision.

m) Publicizing Award
The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set in Section 1.2020 (Small Purchases) of this Part, notice of award shall be published in the Bulletin.

n) The contract resulting from this process shall reflect the awarded requirements and no material changes shall be made except in compliance with the requirements of the Code and this Part, including, but not limited to, source selection and Bulletin posting requirements.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2012 Multi-Step Sealed Bidding

a) Definition
Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the State, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.

b) Conditions for Use
The multi-step sealed bidding method may be used when it is not practical to prepare initially a definitive purchase description that will be suitable to permit an award based on price. Multi-step sealed bidding may be used when it is considered desirable:

1) to invite and evaluate possible diverse technical offers to determine their acceptability to fulfill the purchase description requirements; and

2) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description.

c) Pre-Bid Conference in Multi-Step Sealed Bidding
Prior to the submission or evaluation of unpriced technical offers, a pre-bid conference as contemplated by Section 1.2010(f) (Pre-Bid Conference) may be conducted by the Procurement Officer.

d) Procedure for Phase One of Multi-Step Sealed Bidding

1) Form. Multi-step sealed bidding shall be initiated by the issuance of an Invitation for Bids in the form required by Section 1.2010 (Competitive Sealed Bidding), except as hereinafter provided. In addition to the requirements set forth in Section 1.2010, the multi-step Invitation for Bids shall state:

A) that unpriced technical offers are requested;

B) whether priced bids are to be submitted at the same time as unpriced technical offers; if they are, such priced bids shall be submitted in a separate sealed envelope;

C) that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;

D) the criteria to be used in the evaluation of the unpriced technical offers;

E) that the Procurement Officer may conduct oral or written discussions of the unpriced technical offers;

F) that the item being procured shall be furnished generally in

accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids.

2) Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers, and they shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the Procurement Officer, a contemplated amendment will significantly change the nature of the procurement, the Invitation for Bids may be canceled in accordance with Section 1.2040 (Cancellation of Solicitation; Rejection of Bids or Proposals) of this Part and a new Invitation for Bids issued.

3) Receipt and Handling of Unpriced Technical Offers. Unpriced technical offers submitted by bidders shall be opened in the presence of at least one witness. Such offers shall not be disclosed to unauthorized persons.

4) Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids. The unpriced technical offers shall be categorized as:

A) acceptable;

B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or

C) unacceptable, in which case the Procurement Officer shall record in writing the basis for finding an offer unacceptable, notify the vendor and make it part of the procurement file.

5) The Procurement Officer may initiate phase two of the procedure if, in the Procurement Officer's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the Procurement Officer finds discussion of the technical offers is necessary, the Procurement Officer shall commence discussions of the unpriced technical proposals.

6) Discussion of Unpriced Technical Offers. The Procurement Officer may

conduct discussions with any vendor who submits an acceptable or potentially acceptable technical offer. During the course of such discussions, the Procurement Officer shall not disclose any information derived from one unpriced technical offer to any other bidder. Any such bidder may submit supplemental information amending its technical offer at any time until the closing date established by the Procurement Officer. Such submission may be made at the request of the Procurement Officer or upon the bidder's own initiative.

7) Unacceptable Unpriced Technical Offer. When the Procurement Officer determines a bidder's unpriced technical offer to be unacceptable, such offeror shall not be afforded an additional opportunity to supplement its technical offer.

e) Procedure for Phase Two

1) Initiation. Upon the completion of phase one, the Procurement Officer shall either:

A) open priced bids submitted in phase one (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or

B) if priced bids have not been submitted, invite each acceptable bidder to submit a priced bid.

2) Conduct. Phase two shall be conducted as any other competitive sealed bid procurement~~except:~~.

~~A) no public notice need be given of this invitation to submit priced bids because such notice was previously given;~~

~~B) after award, the unpriced technical offer of the successful bidder shall be disclosed as follows: The Procurement Officer shall examine written requests of confidentiality for trade secrets and proprietary data in the technical offer of such bidder to determine the validity of any such requests. If the parties do not agree as to the disclosure of data, the Procurement Officer shall reject the offer. Such technical offer shall be open to public inspection subject to any continuing prohibition on the disclosure of~~

~~confidential data; and~~

~~C)~~ ~~unpriced technical offers of bidders who are not awarded the contract shall not be open to public inspection.~~

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2015 Competitive Sealed Proposals

a) Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.

b) The Competitive Sealed Proposal method of source selection may be used to procure the following categories: (note that the following services, if they are professional and artistic, must be procured pursuant to Section 1.2035 of this Part).

1) electronic data processing equipment, software, and services;

2) telecommunications equipment, software, and services;

3) consulting services; and

4) employee benefits and management of those benefits.

c) Competitive Sealed Proposals may be used on a case-by-case basis when it is determined by the Procurement Officer that competitive sealed bidding is either not practicable or advantageous.

1) "Practicable" Distinguished from "Advantageous." As used in Section 20-15 (Competitive Sealed Proposals) of the Illinois Procurement Code and in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a procurement may be conducted by competitive sealed proposals, the Procurement Officer shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.

2) General Discussion

A) If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals should be used.

B) The key element in determining whether use of a proposal is advantageous is the need for flexibility. The competitive sealed proposal method differs from competitive sealed bidding in two important ways:

i) it permits discussions with competing offerors and changes in their proposals, including price; and

ii) it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.

C) Where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.

3) When Competitive Sealed Bidding Is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:

A) whether the contract needs to be other than a fixed-price type;

B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;

C) whether offerors may need to be afforded the opportunity to revise

their proposals, including price;

D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and

E) whether the primary consideration in determining award may not be price.

4) When Competitive Sealed Bidding Is Not Advantageous. A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State; and

B) whether the factors listed in subsection (c)(3) of this Section are desirable, in conducting a procurement, rather than necessary; if they are, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.

d) Content of the Request for Proposals
The Request for Proposals shall be prepared in accordance with Section 1.2010 (Competitive Sealed Bidding), provided that it shall also include:

1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions; and

2) a statement of when and how price should be submitted.

e) Receipt and Registration of Proposals

1) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals. Opening shall be witnessed

by a State employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that~~which~~ shall include the name of each offeror, the number of modifications received, if any, ~~and~~ a description sufficient to identify the supply or service item offered, and a notation that the package contains a price proposal. The record of proposals shall be open to public inspection after award of the contract.

2) Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.

f) Evaluation of Proposals

1) Evaluation Factors in the Request for Proposals. The Request for Proposals shall state all of the evaluation factors, including price, and their relative importance. Evaluation subfactors, if any, and their relative importance must be finalized prior to the opening and made available for inspection and copying upon opening. However, all price subfactors and their relative ranking must be shown in the Request for Proposals.

2) Evaluation. The evaluation shall be based on the evaluation factors set forth in the Request for Proposals. Only those factors specified in the Request for Proposals shall be considered and no other factors shall be authorized for consideration in evaluating the proposals, except as communicated in advance to each proposer with opportunity to make necessary adjustments to the proposal. ~~Factors not specified in the Request for Proposals shall not be considered.~~ Numerical rating systems may be used but are not required. Any scoring tool shall reflect the evaluation criteria and ranking set forth in the Request for Proposals and any subfactors available at the opening. Evaluation shall be conducted in two initial stages. All factors other than price shall be evaluated first and then price factors shall be evaluated. However, evaluation may proceed simultaneously provided different evaluators are used to evaluate price and the other factors and no information is exchanged between the sets of evaluators prior to the completion of the initial evaluation. The price proposal shall be opened in the presence of a State witness and distributed to the appropriate evaluators.

3) Classifying Proposals. For the purpose of conducting discussions,

proposals may be initially classified as:

A) acceptable;

B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or

C) unacceptable. Offerors whose proposals are unacceptable shall be so notified promptly.

g) Proposal Discussions with Individual Offerors

1) "Offerors" Defined. For the purposes of Section 20-15(f) (Competitive Sealed Proposals, Discussion with Responsible Offerors and Revisions to Proposals) of the Illinois Procurement Code and of this Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses that submitted unacceptable proposals.

2) Purposes of Discussions. Discussions are held to:

A) promote understanding of the State's requirements and the offerors' proposals; and

B) facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.

3) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the Request shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.

4) Best &~~and~~ Final Offers. The Procurement Officer may request Best & Final~~best and final~~ offers, when in the best interest of the State of reasons, including, but not limited to, reducing scope to accommodate budget,

obtain lower cost at no or insignificant change from original proposal, to accept new technology at no or insignificant change in cost, or to have vendors adjust proposals to focus on one or several alternatives originally requested or proposed. Best & Final offers may be requested from all offerors or from only those in the zone of contention after preliminary evaluation as determined by the Procurement Officer ~~those offerors deemed acceptable after completion of any discussions~~. The request for Best & Final offers may pertain to any aspect of the solicitation, including but not limited to qualifications, specifications, scope of work or price. The Best & Final request shall clearly identify the matters that the offerors must address, and the matters may vary from vendor to vendor if necessary. Best & Final~~and final~~ offers shall be submitted by a specified date and time. The Procurement Officer may conduct additional discussions or change the State's requirements and require another submission of Best & Final~~best and final~~ offers. ~~The scope of the best and final and the number of vendors allowed to participate shall be defined by the Procurement Officer.~~ If an offeror does not submit a~~either a notice of withdrawal or another~~ Best & Final~~best and final~~ offer, that offeror's immediately previous offer will be construed as its Best & Final~~best and final~~ offer.

h) Award

1) An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals.

2) If the selected vendor did not submit the low price, the award notice shall state, in reasonable detail, why the selected vendor was deemed most advantageous.

3) The contract resulting from this process shall reflect the awarded requirements and no material changes shall be made except in compliance with the requirements of the Code and this Part, including, but not limited to, source selection and Bulletin posting requirements.

i) Publicizing Awards

The successful offeror shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. When the

award exceeds the small purchase limit set in Section 1.2020 of this Part, notice of award shall be published in the Bulletin.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2020 Small Purchases

a) Application

1) Procurements of $25,000 or less for supplies or services, other than professional and artistic, ~~and $30,000 or less for construction~~ may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

2) Procurements of less than $20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

3) Procurements for construction and construction related services of $30,000 or less, or as increased to reflect increases in the consumer price index as determined by a construction agency's CPO.

4~~3~~) The CPO shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter. That percentage change shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.

b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12~~twelve~~ month period.

c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)~~ above~~).

d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.

f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

g) Agencies shall establish policies to control the use of this small purchase provision and shall make those policies available to the CPO upon request.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2025 Sole Economically Feasible Source Procurement

a) Application
The provisions of this Part apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 1.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 1.2030 (Emergency Procurements) of this Part.

b) Conditions for Use of Sole Source Procurement
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:

1) where the compatibility of equipment, accessories, replacement parts, or

service is a paramount consideration;

2) where a sole supplier's items are needed for trial use or testing;

3) where a sole supplier's item is to be procured for commercial resale;

4) where public utility regulated services are to be procured;

5) where the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;

6) the procurement of the media for advertising;

7) the procurement of art or entertainment services; and

8) changes to existing contracts (see subsection (c)).

c) Changes

1) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to complete the contract or program, and that can be best accomplished by the contract holder may be procured under this Section when the Procurement Officer determines that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.

2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 1.2020 of this Part, or that is an emergency as defined in Section 1.2030 of this Part, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.

d) Procurement Officer to Determine

1) The determination as to whether a procurement shall be made as a sole

source shall be made by the Procurement Officer. Such determination and the basis therefore shall be in writing. Such officer may specify the application of such determination and the duration of its effectiveness.

2) Any purchase request submitted to the CPO suggesting that a procurement be restricted to one potential vendor shall be accompanied by an explanation as to why no other vendor will be suitable or acceptable to meet the need.

3) The CPO shall require that State agency SPOs submit any sole source procurements to the Department of Central Management Services for approval before publication of a notice in the Bulletin. Based on sole source procurements previously submitted to the Department for review, the CPO may determine that certain categories of procurements do not require future approval by the Department of Central Management Services, and the CPO may determine that certain agencies no longer need to submit sole source procurement requests to the Department for approval. These exceptions may be revoked upon review and determination that the sole source procurement file does not have adequate documentation appropriate for non-competitive procurement.

e) Publication of Sole Source Notice
The Procurement Officer shall publish in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.

1) If no challenge to this determination is made by a vendor within the 14-day period, the Procurement Officer may execute a contract with that vendor.

2) If a challenge is received, the Procurement Officer shall consider the information and shall commence a competitive procurement if the Procurement Officer determines that more than one economically feasible source may be available and the sole source designation is, therefore, not appropriate, unless an emergency situation exists.

f) Negotiation in Sole Source Procurement
The Procurement Officer shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:

1) the vendor's name;

2) the amount and type of the contract;

3) what was procured; and

4) the identification number of the contract file.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2030 Emergency Procurements

a) Applications
The provisions of this Part apply to every procurement over the small purchase limit set in Section 1.2020 (Small Purchases) of this Part and that is not a sole source procurement under Section 1.2025 of this Part made under emergency, including quick purchase, conditions.

b) Definition of Emergency Conditions
Procurements may be made under this Section 1.2030 in the following circumstances:

1) Traditional circumstances include but are not limited to:

A) public health or safety, including the health or safety of any particular person, is threatened;

B) immediate repairs are needed to State property to protect against further loss or damage to State property, or to prevent loss or damage to State property;

C) immediate action is needed to prevent or minimize serious disruption in State services;

D) action is needed to ensure the integrity of State records;

E) equipment or services are necessary in the furtherance of covert activities lawfully conducted by a State agency. Any required disclosures shall be made so as not to jeopardize those covert activities;

F) immediate action is necessary to avoid lapsing or loss of federal or donated funds;

G) the need for items to protect or further State interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing serious disadvantage to the State.

2) After Unsuccessful Competitive Solicitations ~~Sealed Bidding or Proposals or Request for Proposals~~. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.

3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State.

4) Quick Purchase:

A) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the State than instituting a competitive procurement under the provisions of this Code for the supplies or services;

B) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;

C) availability of rare items, such as books of historical value;

D) the procurement is for entertainment.

c) Scope of Emergency Conditions

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Emergency procurements shall be limited to the items, quantity and term necessary to meet the emergency need.

d) Authority to Make Emergency Procurements
Authority to make emergency procurements is established in Subpart C. Whenever practical, existing State contracts shall be utilized and, whenever practical, approval by the CPO shall be obtained prior to procuring items reserved to the CPO. The SPO of each agency shall be responsible for making the filings required in Section 20-30 of the Code.

e) Source Selection Methods
Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.

f) Determination and Record of Emergency Procurement

1) Determination. The Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor. Such determinations shall be kept in the contract file of the Procurement Officer.

2) Record. An affidavit of each emergency procurement shall be filed with the CPO and the Auditor General within 10 days after the procurement and shall include the following information:

A) the vendor's name;

B) the amount and type of the contract, provided that if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known;

C) a description of what the vendor will do or provide;

D) the reasons for using the emergency method of source selection.

3) Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart D of this Part.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2037 Tie Bids and Proposals

a) Tie bids or proposals are those from responsive and responsible vendors that are, in the case of bids, identical in price, and, in the case of proposals, identical in~~or~~ evaluation~~and represent the low price~~.

b) Tie bids or proposals will be resolved~~treated~~ as follows:

1) If the tied bids or proposals~~vendors~~ include an Illinois resident vendor, the Illinois resident vendor shall be given the award in the case of bids and may be given the award in the case of proposals.~~In all other situations, including if two or more Illinois resident bidders are tied, the decision shall be made in accordance with this subsection (b).~~ "Illinois resident vendor" has the meaning given in Section 1.4510 (Resident Bidder Preference) of this Part.

2) In all other situations the award shall be made by lot unless the Procurement Officer determines that:~~If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award will be made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the State shall be given additional consideration in determining responsibility if the Procurement Officer determines that dealing with a vendor that has knowledge of State requirements, contracts, job sites, payment practices and such other factors and with which there has been favorable past experience increases the likelihood of successful performance.~~

A) awarding to one of the vendors is in the State's best interest because, for example, that vendor is likely to be more reliable or responsive to the State's needs, based on past performance; provides a better quality of the supply or service; or provides quicker delivery; or, in the case of proposals, because of a desire to take advantage of the lower price; or

B) splitting the award is in the State's best interest because of a need to ensure delivery of the supply or service, or is necessary or desirable to promote future competition, and provided the affected

vendors agree to the split award.

3) If there is no significant difference in responsibility, but there is a difference in the quality of the supplies or services offered, the vendor offering the best quality will be accepted.

4) If there is no significant difference in responsibility and no difference in quality of the supplies or services offered, the vendor offering the earliest delivery time will be accepted in any case in which the solicitation specified that the needs of the agency require delivery as early as possible.

5) If the bids or proposals are equal in every respect, the award shall be made by lot unless the Procurement Officer determines that splitting the award among two or more of the tied bidders is in the best interest of the State. Awards may be split if all affected bidders agree, if splitting is feasible given the type of supplies or services requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.

e) Record

Each SPO shall provide a report to the CPO on a quarterly basis of all procurements on which tie bids or proposals were received. The report shall provide at least the following information:

1) the identification number of the solicitation;

2) a description of what was procured; and

3) a listing of all the bidders and the prices submitted.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2038 Mistakes

a) General
Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other bidders.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

b) Mistakes Discovered Before Opening
A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section.

c) Confirmation of Mistake
When the Procurement Officer knows or has reason to conclude that a mistake has been made, such officer shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

d) Mistakes ~~in Bids~~ Discovered After Opening but Before Award

~~This subsection (d) sets forth procedures to be applied in situations in which mistakes in bids are discovered after the time and date set for bid opening but before award.~~

1) Minor informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation ~~of a bid~~ from the exact requirement of the solicitation ~~Invitation for Bids~~, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The Procurement Officer shall waive such informalities or allow correction~~the bidder to correct them~~ depending on which is in the best interest of the State. Examples of minor informalities as to form include the failure ~~of a bidder~~ to:

A) return the required number of signed copies~~bids required by the Invitation for Bids~~;

B) acknowledge receipt of an amendment to the solicitation ~~Invitation for Bids~~, but only if:

i) it is clear from the bid or proposal that the offeror~~bidder~~ received the amendment and intended to be bound by its terms; or

ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.

2) Mistakes Where Intended Correct Information~~Bid~~ Is Evident. If the mistake and the intended correct information~~bid~~ are clearly evident on the face of the bid or proposal document, the information~~bid~~ shall be corrected and the~~to the intended correct~~ bid or proposal~~and~~ may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the solicitation~~bid~~ document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

3) Mistakes Where Intended Correct Information~~Bid~~ Is Not Evident. The low price bid or proposal may be withdrawn~~A bidder may be permitted to withdraw a low bid~~ if:

A) a mistake is clearly evident on the face of the bid or proposal document but the intended correct bid is not similarly evident; or

B) there is~~the bidder submits~~ proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.

~~e) Mistakes in Proposals Discovered After Receipt, but Before Award. This subsection (e) sets forth procedures to be applied in four situations in which mistakes in proposals are discovered after receipt of proposals but before award.~~

e~~1~~) During Discussions; Prior to Best &~~and~~ Final Offers. Once discussions are commenced with any offeror or after Best & Final~~best and final~~ offers are requested, any offeror may propose to~~freely~~ correct any mistake prior to the date set for conclusion of discussions or for receipt of Best & Final~~best and final~~ offers, provided the correction would not be contrary to the fair and equal treatment of other offerors.

~~2) Minor Informalities. Minor informalities, unless otherwise corrected by an offeror as provided in this Section, shall be treated as they are under subsection (d).~~

~~3) Correction of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:~~

~~A) the mistake and the intended correct offer are clearly evident on the face of the proposal, in which event the proposal may not be~~

~~withdrawn; or~~

~~B) the mistake is not clearly evident on the face of the proposal, but the offeror submits adequate proof that clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and such correction would not be contrary to the fair and equal treatment of other offerors.~~

~~4) Withdrawal of Proposals. If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if:~~

~~A) the mistake is clearly evident on the face of the proposal and the intended correct offer is not;~~

~~B) the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or~~

~~C) the offeror submits adequate proof that clearly and convincingly demonstrates the intended correct offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.~~

f) Mistakes Discovered After Award
Mistakes shall not be corrected after award of the contract except where the Procurement Officer finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the State) not to allow the mistake to be corrected.

g) Documentation~~Determinations~~ Required
The Procurement Officer shall maintain in the procurement file documentation of actions regarding correction or withdrawal of bids or proposals based on mistakes.~~When a proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared showing that relief was granted or denied in accordance with this Part. The Procurement Officer shall prepare the determination.~~

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

a) Scope of this Section
The provisions of this Section shall govern the cancellation of any solicitations whether issued by the State under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of bids or proposals in whole or in part.

b) Policy
Any solicitation may be canceled before or after opening when the Procurement Officer believes cancellation to be in the State's best interest. Nothing shall compel the award of a contract.

c) Cancellation of Solicitation; Rejection of All Bids or Proposals ~~Prior to Opening~~

1) ~~As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step sealed bidding, or receipt of proposals in competitive sealed proposals.~~

~~2)~~ ~~Prior to opening, a~~ A solicitation may be canceled in whole or in part or all bids and proposals may be rejected ~~when the Procurement Officer determines in writing that such action is in the State's best interest for reasons~~ for any reason, including, but not limited to:

A) the State no longer requires the supplies or services;

B) the State no longer can reasonably expect to fund the procurement; ~~or~~

C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable~~.~~;

D) ambiguous or otherwise inadequate specifications;

E) the solicitation did not provide for consideration of all factors of significance to the State;

F) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

G) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or

H) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

2~~3~~) When a solicitation is canceled or all bids or proposals are rejected~~prior to opening~~, notice ~~of cancellation~~ shall be posted to the Procurement Bulletin~~sent to all businesses that responded to the solicitation~~.

3~~4~~) The notice ~~of cancellation~~ shall:

A) identify the solicitation;

B) briefly explain the reason for cancellation or rejection; and

C) where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar items~~supplies or services~~.

~~d) Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening~~

~~1) After opening but prior to award, all bids or proposals may be rejected in whole or in part for any reason includingwhen the Procurement Officer determines in writing that such action is in the State's best interest. Such reasons may include, but are not limited to:~~

~~A) the supplies or services being procured are no longer required;~~

~~B) ambiguous or otherwise inadequate specifications were part of the solicitation;~~

~~C) the solicitation did not provide for consideration of all factors of significance to the State;~~

~~D) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;~~

~~E) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or~~

~~F)~~ ~~there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.~~

~~2)~~ ~~When the solicitation is canceled or when all bids or proposals are rejected, all vendors who submitted bids or proposals shall be sent a notice upon request informing them of the reasons for the cancellation or rejection.~~

d~~e~~) Documentation
The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.

e~~f~~) Rejection of Individual Bids or Proposals

1) General. This subsection (e~~f~~) applies to rejections of individual bids or proposals in whole or in part.

2) Notice in Solicitation. Each solicitation shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of the State as provided in this Section.

3) Reasons for Rejection

Reasons for rejecting a bid or proposal may include, but are not limited to:

A) the business that submitted the bid or proposal is nonresponsible as determined under Section 1.2046 (Responsibility) of this Part;

B) the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation;

C) the proposal ultimately (that is, after any opportunity has passed for altering or clarifying the proposal) fails to meet the announced requirements of the State in some material respect;

D) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids; or

E) the proposed price is clearly unreasonable.

4) Notice of Rejection. Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section 1.2045 Prequalification

a) General

1) The CPO shall identify by publication in the Bulletin the categories of supplies and services (including professional and artistic services) for which the CPO may prequalify vendors of those supplies and services. The CPO is not required to prequalify vendors but may do so when determination of a vendor's qualifications prior to procurement would be advantageous to the State.

2) An opportunity to prequalify shall be allowed at least one time each fiscal year. The opportunity to prequalify shall be announced in the Bulletin. The notice shall alert vendors that failure to participate in the prequalification process may result in the vendor being ineligible to receive contracts.

3) When prequalifying a vendor, the CPO may limit prequalifications to certain factors such as determining whether a vendor has been and is likely to be "responsible" using the criteria set forth in Section 1.2046 of this Part, or whether the vendor manufactures domestically. The fact that a prospective vendor has been prequalified generally does not necessarily represent a definitive finding ~~of responsibility~~ for a particular procurement.

4) When prequalifying a vendor, the CPO may consider factors tailored to a specific procurement or type of procurement, which shall be announced in the Bulletin.

5) Except in the case of professional and artistic services, distribution of and

responses to the solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified. If eligibility for the procurement will be limited to prequalified vendors, the Invitation for Bids, Request for Proposals or other procurement request shall state that fact.

b) Professional and Artistic Services

1) Any prequalification of vendors of professional and artistic services shall include, at a minimum, a specified level of~~: A)~~ education,~~; B)~~ experience,~~;~~ and ~~C)~~ technical ability,~~;~~ and may require certification or licensure, or membership in professional associations.

2) Categories for prequalification will include, but are not limited to, those listed in Section 1.2035 of this Part.

c) Qualified Products Lists
Qualified products lists are treated in Section 1.2050 (Specifications and Samples) of this Part.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2046 Responsibility

a) Application
Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the State's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security.

b) Standards of Responsibility

1) Standards. Factors to be considered in determining whether the standard of responsibility has been met may include, but are not limited to, whether a prospective vendor:

A) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to indicate its capability to meet all

contractual requirements (the Procurement Officer may designate a level of financial resource below which the vendor will be deemed "not responsible");

B) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;

C) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;

D) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that create a reasonable inference or appearance of a lack of integrity on the part of the vendor may be declared not responsible for the particular procurement;

E) is qualified legally to contract with the State;

F) has supplied all necessary information in connection with the inquiry concerning responsibility;

G) has a current Public Contracts number from the Illinois Department of Human Rights, pursuant to 44 Ill. Adm. Code 750.210, if required. Proof of application prior to opening of bids or proposals will be sufficient for an initial determination;

H) pays prevailing wages, if required by law; and

I) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.

2) Information Pertaining to Responsibility. The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of such vendor. The State may supplement this information from other sources and may require additional documentation at any time.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

If such vendor fails to supply the requested information, the Procurement Officer shall base the determination of responsibility upon any available information, or may find the prospective vendor nonresponsible.

c) Ability to Meet Standards
The prospective vendor may demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting upon request:

1) evidence that such vendor possesses such necessary items;

2) acceptable plans to subcontract for such necessary items; or

3) a documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.

d) Duty Concerning Responsibility
Before awarding a contract, the Procurement Officer must be satisfied that the prospective vendor is responsible. The State reserves the right to request information regarding responsibility and to accept information regarding responsibility at any time prior to execution of a contract, but failure of a vendor to provide information by the time required by law or as set forth in the solicitation is cause for rejection of a bid or proposal.~~Responsibility can be proven until time of contract execution unless the solicitation or other law requires that the vendor submit information necessary to determine responsibility by a stated date or time.~~

e) Written Determination of Nonresponsibility Required
If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the CPO or the SPO. The final determination shall be made part of the procurement file.

f) Bond for Responsibility
Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of such vendors.

g) Affiliated Companies
Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing vendor that

has been determined not responsible will also be determined not to be responsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of nonresponsibility.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART H: SPECIFICATIONS AND SAMPLES

Section 1.2050 Specifications and Samples

a) Responsibilities Regarding Specifications

1) The Procurement Officer shall write the necessary specifications, except as noted in this Section~~in this subsection (a)~~.

2) If a specification for general or common use or a qualified products list exists for an item to be procured under Section 20-20 of the Code (Small Purchases), it shall be used except as otherwise authorized by the CPO. If no such specification exists, SPOs shall have the authority to prepare specifications for use in such purchases. In an emergency under Section 20-30 of the Code, any necessary specification may be utilized without regard to the provisions of this Subpart.

b) Procedures for the Development of Specifications

1) If the CPO develops a specification for a common or general use item or has developed a qualified products list in accordance with this Section for a particular supply or service, it shall be used unless the CPO authorizes use of another specification.

2) All procurements shall be based on specifications that accurately reflect the State's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.

3) Specifications shall not include unduly restrictive~~restrictions that do not significantly affect the~~ technical ~~requirements~~ or performance requirements~~, or other legitimate State needs~~. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of

description will suffice.

4) Any specifications or standards adopted by business, industry, not-for-profit organization or governmental unit may be adopted by reference.

5) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the State's requirements.

c) Brand Name or Equal Specification

1) Brand name or equal specifications may be used when the Procurement Officer determines in writing that:

A) no specification for a common or general use specification or qualified products list is available;

B) time does not permit the preparation of another form of specification, not including a brand name specification;

C) the nature of the product or the nature of the State's requirement makes use of a brand name or equal specification suitable for the procurement; or

D) use of a brand name or equal specification is in the State's best interest.

2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.

3) Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.

4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance,

and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the bidder.

d) Brand Name Only Specification

1) Determination. A brand name only specification may be used only when the Procurement Officer makes a written determination that only the identified brand name item or items will satisfy the State's needs.

2) Use. Brand name alone may be specified in order to fill medical prescription needs, to stock State retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the CPO. An agency may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.

3) Competition. The Procurement Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 1.2025 (Sole Source Procurement) of this Part.

4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under the small (Section 1.2020 of this Part) and emergency (Section 1.2025 of this Part) provisions of this Part.

e) Qualified Products List

1) Use. A qualified products list may be developed by the Procurement Officer when testing or examination of the supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy State requirements.

2) Solicitation. When developing a qualified products list, a representative

group of potential suppliers shall be solicited in writing or through notice posted in the Procurement Bulletin to submit products for testing and examination to determine acceptability for inclusion in a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for testing and examination.

3) Testing and Confidential Data. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements. Except as otherwise provided by law, trade secrets, test data, and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.

f) Proven Products
The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services must have been used in business or industry for a specified period of time to be considered.

g) State Required Samples

1) Any required samples must be submitted as instructed in the solicitation with transportation prepaid by the vendor. Each sample must be labeled with the vendor's name, address and a means of matching the sample with the applicable bid or proposal.

2) Any sample submitted must be representative of the item that would be delivered if a contract were awarded for that item. Samples submitted by a successful vendor will be retained to check continuing quality. Submission of samples will not limit the State's right to require adherence to specifications.

3) No payment will be made for State Required Samples. Samples not destroyed or consumed by examination or testing will be returned upon request and at vendor's expense. Such request must be made at time of submission with return collect or prepayment provisions and instructions for return accompanying the samples.

h) Product Demonstration
Any vendor may request time and space to demonstrate a product or service.

Agreement to allow such demonstration will be solely at the State's discretion and will not entitle the bidder to a contract nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration.

i) Pre-solicitation Assistance/Specifications Prepared by Other Than State Personnel

1) An SPO, as pre-solicitation activities, may utilize the services of any person to conduct research, analyze requirements, or provide general design or other assistance to help the State develop its procurement strategy, specifications, documents and other related needs.

2) A State agency may contract for our utilize the services of any non-state person to provide specifically defined pre-solicitation assistance, whether or not compensated. This contract shall address confidentiality and conflict of interest. However, nothing shall preclude minimal and sporadic telephone communications, provided agency personnel shall not seek that assistance if they know or suspect a conflict of interest. If a State agency uses the services of a non-state person for pre-solicitation activities, the State agency shall inform the CPO and provide the name and address of that person, the scope of the work performed and the amount paid for the work. The State agency shall also publish this information in the Bulletin as part of the solicitation or award notice.~~Specifications may be prepared by other than State personnel, including, but not limited to, consultants, architects, engineers, designers, and other drafters of specifications for public contracts when the Procurement Officer determines that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the State, and provided the Procurement Officer retains the authority to finally approve the specifications. Contracts for the preparation of specifications by other than State personnel shall require the specification writer to adhere to State requirements.~~

3~~2~~) The person who provided pre-solicitation assistance or who prepared the specifications shall not submit a bid or proposal to meet the procurement need unless the agency head, and not a designee, determines in writing that it would be in the best interest to accept such a bid or proposal from that person. In determining best interest, the agency head and CPO shall consider factors such as the effect on competition of including or excluding this person and whether the person recommended procuring supplies or services sold by that person. A notice to that effect shall be

provided to the CPO and, if approved by the CPO, published in the Bulletin. This waiver notice shall include the project name; vendor name; a description of the work performed; and a statement that the work product will be available upon issuance of a solicitation. In addition, the solicitation itself shall include a section identifying the waiver, a detailed justification and a statement that the work product shall be available for review and copying.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART J: DURATION OF CONTRACTS

Section 1.2060 Duration of Contracts − General

a) General

1) Except in an emergency, or where immediate performance is necessary to protect the programmatic interest of the agency and all required approvals have been obtained, the vendor selected for award shall not begin any billable work or charge expenses prior to final execution of the contract by the State. The procuring agency's SPO must approve any pre-contract work and shall report the circumstances to the Chief Procurement Officer. Each solicitation and contract shall contain a provision alerting vendors that they will not be eligible for reimbursement for work performed prior to execution of the contract by the State, except as provided in this subsection (a)(1). Only the SPO, the CPO or designee of the CPO, may authorize work prior to execution.

2) A multi-term contract for a term up to 10 years is authorized when determined by the Procurement Officer to be in the best interest of the State.

3~~2~~) The length of the payment term of bonds issued by or on behalf of a State agency shall be limited as provided in the statute authorizing the issuance of the bonds.

4~~3~~) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years.

b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to appropriation and availability of funds. The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of the~~such~~ contract shall be canceled without penalty to, or further payment being required by, the State. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) Conditions for Use of Multi-Term Contracts
A multi-term contract may be used when:

1) special production of definite quantities or the furnishing of long-term services is required to meet State needs; or

2) a multi-term contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in State procurement. The following factors are among those relevant to such a determination:

A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping ~~such~~ costs during the period of contract performance;

B) lower production costs because of larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;

C) stabilization of the vendor's work force over a longer period of time may promote economy and consistent quality; or

D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

d) Multi-Term Contract Procedure
The solicitation shall state:

1) the proposed term;

2) the amount of supplies or services required for the proposed contract period;

3) the type of pricing requested (e.g., firm for term);

4) how award will be determined.

e) Renewals

1) When the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index) and the option is reserved solely to the State or is by mutual agreement. A renewal option that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to competitive procurement procedures established by the Code and this Part.

2) When the original procurement was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal shall start a new term not to exceed 10 years.

3) A contract may contain a renewal provision that binds the vendor, but not the State, for a term beyond the maximum 10-year term of a contract. Where a renewal will result in the total term, counting the initial term and any previous renewals, to exceed 10 years, the renewal must be exercised~~procured~~ using one of the methods of source selection authorized by the Code and this Part. This renewal will start a new term that shall not exceed 10 years.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART K: CONTRACT MATTERS

Section 1.2560 Prevailing Wage

a) For the following classifications and if competition exists, no bidder will be awarded a contract unless its employees are paid wages and benefits and are

working under conditions prevalent in the location where the work is to be performed, if a prevailing wage has been determined by the Illinois Department of Labor.

1) Public works

2) Printing

3) Janitorial cleaning services, window cleaning services, building and grounds services, site technician services, natural resources services, food services~~washing~~ and security guard services having a monthly contract price of $200 or a yearly price of $2,000.

b) Prevailing wage and conditions prevalent means the hourly wage rate, overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the environmental conditions under which they work.

c) Prevailing Wage Rates

1) Prevailing wage rates, benefits and conditions will be those in effect on the first date of the contract, provided that, if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will vary in like amount.

2) If the change in the collective bargaining agreement cannot be determined in advance, the contract will be changed by the amount of the change in wage rate and all components of price that are dependent on the usage rate, such as payroll taxes, workers'~~worker's~~ compensation insurance, vacation, sick days, and pension, provided that profit shall not increase due to prevailing wage increases. The using agency shall have the option to cancel the contract if the new price is unacceptable.

3) If the initial prevailing wage, etc., cannot be determined prior to execution, contracts may be entered into and will remain valid for the stated term.

d) If a collective bargaining agreement is in effect governing the services set forth in subsection (a)~~type of printing, janitorial, window washing or security guard service sought~~, that agreement will define minimum wages, benefits and

conditions that must be paid in order for a bidder to be considered responsible.

e) For public works, location means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work.

f) Printing Contracts

1) For printing contracts, location means one of the following areas:

A~~1~~) Cook County;

B~~2~~) Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford counties;

C~~3~~) Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson counties.

2~~4~~) Where the printing is performed in a plant outside the jurisdiction of this State, it shall be deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. Where such printing is required to be delivered to more than one Illinois locality, such printing shall be deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.

g) For other~~janitorial services, window washing and security guard~~ services, location means the county in which the work is to be performed.

h) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.2575 Subcontractors

All competitive sealed proposals, including proposals for professional and artistic services, shall include a provision to require each offeror to identify, either in its proposal or prior to award, the identity of any subcontractor that will be used in the performance of the contract, as well as the amounts expected to be paid to each subcontractor. For purposes of this Section, subcontractors are those specifically hired to perform all or part of the services or to provide the supplies requested by the State.

(Source: Added at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART L: CONTRACT PRICING

Section 1.2800 All Costs Included

The IFB or RFP and any resulting contract shall~~should~~ define whether prices cover transportation, transit insurance, delivery, installation, taxes, expenses and any other costs.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART O: PREFERENCES

Section 1.4535 Sheltered Workshops for the Disabled

a) Use of Sheltered Workshop
The Procurement Officer may determine to contract with a sheltered workshop on the list maintained by the CPO, and may do so without notice or competition.

b) Conditions for Use
The CPO shall, in consultation with the State Use Committee created by the Code (Section 45-35), determine which articles, materials, services, food stuffs and supplies that are produced or manufactured by persons with disabilities in State

use sheltered workshops shall be given preference by purchasing agencies procuring those items. The CPO shall develop and distribute to the various purchasing and using agencies procedures for implementing this Section.

c) Sheltered Workshop List
The CPO shall maintain a list of all qualified sheltered workshops and shall provide to State agencies that list and the supplies and services each qualified sheltered workshop provides.

d) Pricing Approval

1) While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar supplies or services, the policy of the Code to promote procurements from sheltered workshops, and other such relevant factors.

2) The State Use Committee, established under Section 45-35 of the Code, must approve contracts for reasonableness of price if:

A) the supply or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or

B) the supply or service is bid and the sheltered workshop is selected even though not the lowest responsible bidder.

3) State Use Committee approval is not required if:

A) the contract does not exceed the bid limit set in Section 1.2020 of this Part and no bidding was conducted; or

B) the contract is let to the sheltered workshop submitting the low bid or most advantageous proposal under a competitive procedure.

4) When Committee approval is required, it will be given or denied in an expeditious manner so as not to disrupt procurement activities. Consideration will be at regularly scheduled meetings or through special telephone meetings conducted between regular meetings.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.4575 Domestic Products

a) This Section applies unless an exception is provided by law, or in the case of a small, emergency or sole economically feasible source situation.

b) This Section applies to supplies purchased by the State that have undergone some manufacturing process that changes the raw material or components into a different product. The following examples show how to interpret this Section:

1) If the State needs iron ore, this Section would not apply because the State would be asking for a raw material.

2) If the State needs a steel ingot, the purchase would be subject to this Section as the steel ingot was subject to a manufacturing process. The iron ore used in manufacturing the ingot would not be subject to any domestic restriction.

3) If the State needs a steel I-Beam, the I-Beam would be subject to this Section. The iron ore and steel used in creating the I-Beam would not be subject to any domestic restriction.

4) If the State needs a structure made of steel I-Beams, the assembly would have to be done domestically. The iron ore, steel and I-Beams used in building the structure would not be subject to any domestic restriction.

c) Specifications for manufactured supplies shall include a reference to the preference established in this Section.

d) The preference shall be as follows:

1) The low bid or most advantageous proposal shall be identified without regard to whether the product is a domestic product.

2) In the event of a tie in a competitive sealed bid procurement, the vendor that certifies it will provide domestic supplies shall be given preference.

3) If the low bid or most advantageous proposal does not contain a certification that the supply items are domestic, then any responsive and responsible vendor that is within 2% of the identified vendor's price that has made that certification shall be evaluated as though its price was 2% lower, subject to a maximum dollar value of $50,000.

4) The winning vendor will be determined after application of the preference.

5) Notwithstanding the preference outlined in this subsection (d), if the appropriate SPO determines that the price differential calculated using the preference is not acceptable given the particular procurement and the economic circumstances, the award may be conditioned on receipt of an acceptable price reduction. If the price cannot be reduced to an acceptable level, the original low priced or most advantageous proposal may be selected for award.

e) Each procuring agency shall include in the procurement file documentation showing the application of any preference given and any determination that the supplies to a purchase were not subject to the Procurement Domestic Products Act [30 ILCS 517].

(Source: Added at 30 Ill. Reg. 17305, effective October 20, 2006)

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section 1.5520 Suspension

a) Application
This Section applies to all debarments or suspensions of vendors from consideration for award of contracts under the Code.

b) The CPO may suspend a vendor from doing business with the State, with one or more agencies, or for specific types of supplies or services. A suspension may be issued upon a showing the vendor violated the Code or this Part, or failed to conform to specifications or terms of delivery.

c) When the CPO finds cause exists for suspension, a notice of suspension, including a copy of such determination, shall be sent to the suspended vendor. Bids or proposals will not be solicited from the suspended vendor, and, if received, will not be considered during the period of suspension.

d) A vendor may be suspended for a period of time commensurate with the seriousness of the offense, but for no more than 10~~five~~ years. The suspension will be effective seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, suspension would not become effective until the evaluation of the objection is completed.

e) The CPO may debar a vendor. Debarment is the permanent suspension of a vendor from doing business with the State. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals received from the debarred vendor will not be considered.

f) The CPO shall maintain a master list of all suspensions and debarments. The master list will retain information concerning suspensions and debarments as public records. Such records will be maintained for a period of at least three years following the end of the suspension or debarment. Such public information may be considered in determining responsibility.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

Section 1.5550 Protests

a) Protest Resolution by the Protest Review Office~~Procurement Officer~~
An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement action may file a protest provided the aggrieved party has evidence of a violation of the Illinois Procurement Code or other law, any associated rules, or the solicitation itself, including evaluation or award~~ on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award~~.

b) ~~Complaint to Procurement Officer~~
~~Complainants should seek resolution of their complaints initially with the office that issued the solicitation. Such complaints may be made verbally or in writing.~~

~~c)~~ Filing of Protest

1) An aggrieved party must submit the protest~~Protests shall be made~~ in writing to the Protest Review Office designated in the solicitation document or, in the absence of any appropriate designation, to the Director

of the Department of Central Management Services as Chief Procurement Officer. An aggrieved party must deliver the protest by noon of the seventh calendar day after the aggrieved party knew~~, if applicable, and shall be filed within 7 calendar days after the protester knows~~ or should have known of the facts giving rise to the protest. In regard to a protest of specifications or other terms and conditions of the solicitation document, the protest must be received within 7 calendar days after the date the solicitation was posted in the Illinois Procurement Bulletin, or issued if not posted in the Bulletin.~~A protest is considered filed when physically received by the Procurement Officer.~~ Protests delivered late ~~filed after the 7 calendar day period~~ shall not be considered. A protest is considered delivered when physically received by the Protest Review Office.~~In regard to a protest regarding specifications, the protest must be received within 7 calendar days after the date the solicitation was issued, and in any event must be received by the State at the designated address before the date for opening of bids or proposals.~~

2) To expedite handling of protests, the delivery envelope should be labeled "Protest". The written protest shall include as a minimum the following:

A) the name and address of the protester;

B) appropriate identification of the procurement, and, if a contract has been awarded, its number;

C) a statement of reasons for the protest specifically identifying any alleged violation of the Illinois Procurement Code or other law, any associated rules, or the solicitation itself, including the evaluation or award; and

D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.

c~~d~~) Requested Information~~; Time for Filing~~
The aggrieved party must supply any~~Any~~ additional information requested by the State ~~shall be submitted~~ within the time periods set in the request~~established by the requesting source in order to expedite consideration of the protest~~. If the aggrieved party fails to comply with this request, the Protest Review Office may resolve the protest on the basis of available information or may deny the

protest.~~Failure of the protesting party to comply expeditiously with a request for information by the Procurement Officer may result in resolution of the protest without consideration of that information.~~

d~~e~~) Stay of Procurements During Protest
When a protest has been timely filed and before an award has been made, the Procurement Officer shall make no award of the contract until the protest has been resolved. If timely received but after award, the award shall be stayed ~~revoked~~ without penalty to the State or the award may be honored or revoked in whole or in part depending on the outcome of the protest review.~~and no award made until the protest has been resolved.~~ Whether or not a protest has been received,~~In either case~~ the Procurement Officer may, with the approval of the Protest Review Office, make the award or reinstate the award upon a determination that the needs of the State require an immediate award and performance under the contract.

e~~f~~) Decision by the Protest Review Office~~Procurement Officer~~
The Protest Review Office will resolve the protest~~A decision on a protest shall be made by the Procurement Officer~~ as expeditiously as possible after receiving all relevant, requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.

f~~g~~) Effect of Judicial ~~or Administrative~~ Proceedings
If an action concerning the protest has commenced in court, the Protest Review Office~~Procurement Officer~~ shall not act on the protest, but shall refer the protest to the Attorney General. This Section shall not apply when a court requests, expects, or otherwise expresses interest in the decision of the Protest Review Office~~Procurement Officer~~.

(Source: Amended at 30 Ill. Reg. 17305, effective October 20, 2006)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: State Universities Civil Service System

2) Code Citation: 80 Ill. Adm. Code 250

3) Section Number: 250.110 Proposed Action: Amended

4) Statutory Authority: 110 ILCS 70

5) Effective Date of Amendment: October 23, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: January 6, 2006; 30 Ill. Reg. 108

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: All nonsubstantive technical changes recommended by JCAR were made. In subsection (e)(4)(A) a correction was made to the reference to subsection (e)(18)(B) to correct it to subsection (e)(19)(B). In subsection (e)(4)(A) a sentence was added to clarify when hearings will be closed. In subsection (e)(15)(H) the agency removed the word "final" regarding the Hearing Board or Hearing Officer's findings of fact and added a sentence to clarify the Hearing Board or Hearing Officer's advisory role regarding findings of fact. In subsection (e)(16) a definition of just cause was added.

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 rulemakings pending on this Part? No

15) Summary and Purpose of Amendment: The adopted amendment will update and clarify elements contained in Separations and Demotions, most specifically those related to the

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

Discharge Proceedings. With regard to the Discharge Proceedings, this adopted amendment includes current specific procedures related to the conduct of the hearing, role of the Hearing Board or Hearing Officer, and case presentation, thereby preserving some fundamental procedural safeguards. This adopted amendment also consolidates information to make it more easily accessible for all parties.

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

Mary C. Follmer
Assistant Director, Legal Services
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, IL 61802

217/278-3150, ext. 226

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section
250.5 Definitions
250.10 Purpose, Adoption, and Amendment of Rules
250.20 The State Universities Civil Service System and its Divisions
250.30 The Classification Plan
250.40 Military Service Preference, Veterans Preference
250.50 Examinations
250.60 Eligible Registers
250.70 Nonstatus Appointments
250.80 Status Appointments
250.90 Probationary Period
250.100 Reassignments and Transfers
250.110 Separations and Demotions
250.120 Seniority
250.130 Review Procedures
250.140 Delegation of Authority and Responsibilities
250.150 Training
250.160 Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. 17384, effective October 23, 2006.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

Section 250.110 Separations and Demotions

a) Resignation. An employee, having a nonstatus or status appointment, as described in Sections 250.70 and 250.80, may resign by presenting a~~his~~ signed resignation to his/her employer. An employee having a nonstatus appointment, as described in Section 250.70, may be terminated by his/her employer upon completion of the~~his~~ work assignment. The Executive Director shall be notified promptly by the employer of all resignations and terminations.

b) Leave of Absence~~.~~

1) The Executive Director shall be notified promptly by the employer of all leaves of absence, military, disability, or otherwise, granted, including dates of beginning and completion of such leave which exceeds 30 calendar days of non-pay status.

2) A status employee, who because of disability, becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois state retirement system to which the employee contributes, shall be granted a leave of absence for the period for which the employee is eligible to receive such benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the retirement system, and shall be entitled to return to a position in the employee's class without any loss of status due to such disability leave, providing the employee returns upon the expiration of all disability benefits to which entitled. If, within one year following the expiration of all disability benefits, the employee requests reinstatement, with approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which the employee was employed at the time the disability leave was granted and in accordance with total seniority earned. If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but because of the employee's disability is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the System.

3) An employer with the concurrence of two licensed physicians, one of whom to be of the employee's choice, may make the following determinations listed in subsection (b)(3)(A) or (B). If there is a difference

of opinion, a third outside physician will be selected by the two physicians. The employer shall notify the employee and the Executive Director in writing of all of these actions.~~:~~

A) If an employee is no longer able to perform the duties and responsibilities of the position in the class due to a disability, the employee will be required to take disability leave; or

B) If an employee at the time of expiration of a leave for disability has exhausted all potential benefits and is unable to resume the duties and responsibilities of a position in the class, employment may be terminated unless an employer and the employee agree on employment in a more suitable classification; or

C) If an employee, at the time of expiration of leave for disability, is unwilling to return to the position from which he/she is on leave, the employee may resign or employment may be terminated.

~~If there is a difference of opinion, a third outside physician will be selected by the two physicians. The employer shall so notify the employee and the Director in writing for all of the above actions.~~

4) A status employee shall be granted a leave of absence for pregnancy whenever the required duties of the position occupied by the employee are incompatible with the state of pregnancy, as determined by the employer, and such leave shall continue until competent medical opinion indicates that the employee is able to return to work in a position in the class in which the employee was employed prior to the leave.

5) A status employee who accepts a position that~~which~~ represents a promotion in a class outside his/her promotional line shall be granted a leave from a position of his/her former class for the duration of the probationary period in the new class.

6) An employee placed on Disciplinary Suspension or on Suspension Pending Discharge shall be placed on a leave of absence from his/her position.

c) Layoff~~.~~

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

1) The Executive Director shall be notified promptly of all employees on layoff status, together with date of beginning of layoff, and of return to employment from layoff status, when such layoff exceeds 30 consecutive work days. A status employee shall receive a written notice, at least 30 calendar days in advance of the effective date of layoff, when such layoff exceeds 30 consecutive work days; however, the effective date of layoff may be extended up to 15 days without the requirement of further notice.

2) Whenever it becomes necessary to lay off one or more employees, except as provided in subsection~~Section 250.110~~ (c)(3), the employee who has the least amount of service in the class shall be laid off first, and additional layoffs shall be made in the ascending order of the place of the employee on the service and seniority lists for that class.

3) An employee, who is the incumbent of a position for which the Executive Director has authorized specialized certification under Section 250.60(d)(9), or who is the incumbent of a position which has previously been identified as requiring specialized training or experience as required by the position in accordance with minimum acceptable qualifications for the class may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the special and identified qualifications authorized for the incumbent's position.

4) Whenever it becomes necessary to reemploy one or more employees in a class, the employee last laid off by seniority shall be reemployed first, and further reemployment shall be made in the order of seniority until the reemployment register for that class is exhausted. Work of short duration requiring reemployment of one or more employees will not require a new written 15 day advance notice of layoff if the work period is to be 5 consecutive working days or less and the work is emergent in nature.

5) A status employee who is subject to layoff from a part-time position, may bump an employee in a full-time status position, providing the part-time employee's equivalent full-time accrued seniority based on hours in pay status is greater than that of the least senior employee in a full-time position. A full-time status employee, who is subject to layoff, may bump the least senior full-time employee, who then may bump the part-time employee having the highest percent-time appointment providing the full-time employee has more accrued seniority.

6) Names of employees laid off during their probationary periods shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of date of layoff.

d) Disciplinary Suspension.* An employer may suspend an employee as a disciplinary measure for not more than 30 calendar days.

1) The employer will discuss the specific problem pertaining to contemplated suspension with the employee and the Campus Personnel Director or his designee before a suspension notice is served. The employee will be told at that time that suspension is being considered.

2) In imposing a disciplinary suspension, the employer shall serve a written suspension notice on the employee showing reason for the suspension, and shall immediately report the suspension to the Executive Director of the University System and shall send a copy of the notice served on the employee, along with proof of service, to the Executive Director.

3) Causes justifying suspension, not for discharge, shall include, but are not limited to: unauthorized and unexcused absence; leaving work without authority; failure to ring in or out on time card; habitual lateness; punching other time cards; key duplication and/or unauthorized possession of keys; misrepresentation of absence; falsification of records; refusal to do work assigned; failure to follow work schedules; failure to follow time schedules; insolence; failure to adhere to departmental regulations of appearance; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste, or delay; unauthorized use of institutional property; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; sleeping during working hours; unauthorized visiting and "loafing on the job."

AGENCY NOTE: It is to be noted that an employee's allegation that a Disciplinary Suspension was unfairly imposed is subject to the grievance procedure established by the employing institution but is not reviewable by the Civil Service System.

e) Discharge Proceedings and Effective Date of Discharge.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

1) Pre-discharge Proceedings~~.~~

A) Prior to initiating any proceedings before the Merit Board for the discharge of an employee~~Employee~~, the employer~~Employer~~ shall notify the employee~~Employee~~ in writing, served upon the employee~~Employee~~ in person if the employee~~Employee~~ is present on the job, otherwise by certified mail or by overnight delivery service that requires signature upon receipt to the most recent address of the employee~~Employee~~ as shown on the employer's~~Employer's~~ records, of the employer's~~Employer's~~ intention to initiate such proceedings. The notification shall advise the employee~~Employee~~ of the substance of the charges proposed to be filed in sufficient detail to inform the employee~~Employee~~ of the nature of the conduct on which the proposed charges are based. The notification shall also advise the employee~~Employee~~ that either or both of the following options are available to the employee~~Employee~~:

i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to~~the Employee may~~ require the employer~~Employer~~ to hold a conference with the employee~~Employee~~ or his/her representative ~~within three work days of service of the Employer's notification~~ for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and

ii) within 3~~three~~ work days after~~of~~ service of notification, the employee~~Employee~~ may deliver to the employer~~Employer~~ a written response to the matters contained in the employer's~~Employer's~~ notification; provided that, if the employee~~Employee~~ elects to require the conference identified in subsection (e)(1)(A)~~option~~(i), at that~~such~~ conference the employee~~Employee~~ may request and receive an opportunity to respond further in writing within 3~~three~~ work days after the conclusion of the~~such~~ conference.

B) Employer's Decision

i) Within 7 work days after compliance with the provisions of subsection (e)(1)(A)~~ above~~, the employer~~Employer~~ shall either:

•~~(i)~~ notify the employee~~Employee~~ that no further action will be taken to initiate discharge proceedings with the Merit Board against the employee~~Employee~~ based solely on the matters contained in the employer's~~Employer's~~ notification;~~,~~ or

•~~(ii)~~ initiate proceedings before the Merit Board under this subsection ~~Section 250.110~~(e) seeking discharge of the employee~~Employee~~ based solely on the matters contained in the employer's~~Employer's~~ notification.

ii) The employer's~~Employer's~~ election not to initiate discharge proceedings with the Merit Board shall not preclude the employer~~Employer~~ from imposing a suspension in accordance with subsection ~~Section 250.110~~(d) or some lesser penalty.

C) An employee~~Employee~~ who has been served with an employer's~~Employer's~~ notification as provided in subsection (e)(1)(A) ~~above~~ may be placed on excused absence with pay during all or any part of the period covered by this subsection ~~Section 250.110~~(e)(1) to provide the employer~~Employer~~ an opportunity to investigate serious charges.

2) Actual Discharge Proceedings~~.~~

A) Proceedings before the Merit Board seeking the discharge of an employee~~Employee~~ shall be initiated by the employer~~Employer~~ filing ~~with the Merit Board~~ Written Charges for Discharge with the Merit Board setting forth the causes for discharge in sufficient detail to inform the employee~~Employee~~ of the nature of the conduct on which the charges are based. The Written Charges for Discharge shall be set forth in separately numbered charges. The Written Charges for Discharge shall contain the dates, names of persons, places, and facts necessary to properly allege cause for

discharge. If a breach of a statutory duty, law, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge.

B) The Written Charges for Discharge shall be accompanied with a certification by the employer~~Employer~~ that all procedures set forth in subsection~~paragraph~~ (e)(1) ~~of this Section~~ have been followed and that there has been full compliance with any options elected ~~thereunder~~ by the employee~~Employee~~. At the time the Written Charges for Discharge and the certification are filed with the Merit Board, the employer~~Employer~~ shall serve copies ~~thereof~~ upon the employee~~Employee~~ in person if the employee~~Employee~~ is present on the job;~~,~~ otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee~~Employee~~ as shown on the employer's~~Employer's~~ records, and the employer~~Employer~~ shall file a proof of such service with the Merit Board.

C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original date of service of the Written Charges for Discharge. The employer shall serve copies of the Amended Written Charges for Discharge upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of such service with the Merit Board.

D)~~B)~~ An employee~~Employee~~ who has been served with Written Charges for Discharge in accordance with subsections~~subsection~~ (e)(2)(A) and (B)~~above~~ may be suspended without pay by the employer~~Employer~~ during all or any part of the period that the discharge proceeding is pending, and until final disposition~~ thereof~~, if the employer~~Employer~~ is of the opinion that the employee's~~Employee's~~ presence on the job might constitute a substantial risk of injury to life or property, or might cause a

disruptive effect on employer's~~Employer's~~ operations. Any~~ such~~ suspension without pay shall become effective on the date the employer~~Employer~~ serves the Suspension Notice Pending Discharge~~Written Notice of Suspension~~ upon the employee~~Employee~~, which may be served with the Written Charges for Discharge or on any date thereafter. Service~~Such service~~ shall be upon the employee~~Employee~~ in person if the employee~~Employee~~ is present on the job;~~,~~ otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee~~Employee~~ as shown on the employer's~~Employer's~~ records, and the employer~~Employer~~ shall file with the Merit Board a copy of the Suspension Notice Pending Discharge~~Written Notice of Suspension~~ and proof of service~~ thereof~~.

3) Hearing Request~~.~~

A) An employee~~Employee~~ who has been served with Written Charges for Discharge may request a hearing thereon by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar days of the date of personal delivery or mailing of the Written Charges for Discharge to the employee~~Employee~~. The Secretary for the Merit Board shall immediately notify the employer~~Employer~~ of the filing of the~~such~~ written request by the employee~~Employee~~. Thereafter, further proceedings shall be as ~~hereafter~~ provided in this subsection~~Section 250.110~~ (e) and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in the~~such~~ order.

B) If the employee~~Employee~~ does not file a written request for hearing with the Secretary for the Merit Board within~~ said~~ 15 calendar days, the employee's~~Employee's~~ discharge shall become effective at the end of the~~such~~ 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the employer~~Employer~~ of the employee's~~Employee's~~ failure to file a timely written request for hearing.

4) Hearing Proceedings~~.~~

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

A) Upon receipt of the employee's~~Employee's~~ written request for hearing on the Written Charges for Discharge, the Merit Board shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the employee's~~Employee's~~ response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the employee~~Employee~~ and the employer~~Employer~~ shall all make good faith efforts to commence the hearing within 10 calendar days after~~of~~ receipt of the employee's~~Employee's~~ written request for hearing, but in no event shall such hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (e)(19)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the employee~~Employee~~ and the employer~~Employer~~ shall all make good faith efforts to conduct the hearings in no more than 3~~three~~ hearing days, unless justice, due process, and fundamental fairness~~ and fair play~~ require otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances. A transcript of the hearing~~hearings~~, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following conclusion of the hearings.

B) Within 15 calendar days after~~of the~~ receipt of the transcript from the Secretary for the Merit Board, the Hearing Board or Hearing Officer shall file its findings of fact and any other recommendations with the Secretary for the Merit Board, unless that~~such~~ time is extended by the Executive Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions which prevent the members from meeting. If by that time the findings of fact have not been received

by the Secretary for the Merit Board, the Executive Director will either appoint another approved Hearing Board or Hearing Officer that~~which~~ will then review the record and submit findings of fact within 10 calendar days after~~of~~ the appointment, or the Executive Director will give written notice to all Hearing Board members or the Hearing Officer and to all parties to the proceeding that he or she will, within 10 calendar days, discontinue the hearing and commence a new hearing~~hearings~~ and the present Hearing Board or Hearing Officer will be dismissed without pay. Within this 10-day period following the Executive Director's notice, the Hearing Board or Hearing Officer can appeal to the Executive Director by showing cause why time should be extended.

C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the employee's~~Employee's~~ request for hearing, the transcript and exhibits, ~~and~~ the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.

D) Upon ~~such~~ certification by the Executive Director, the Secretary for the Merit Board shall, by certified mail or by overnight delivery that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record ~~a notice that the Hearing Record has been certified and a copy of the Hearing Record~~. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days from the date of the postmark of the certified mail notice or the mailing date of the overnight delivery that the Hearing Record has been certified, with proof of service ~~thereon~~ on all parties. No answer or reply briefs and arguments in response to the above-referenced filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair~~Chairman~~. ~~Personal appearances before the Merit Board on any matter relating to a particular discharge proceeding~~

~~will be granted only by express consent and prior order of the Merit Board after due notice to all parties.~~

E) A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days from the date of the postmark of the certified mail notice or the mailing date of the overnight delivery of the certified hearing record, with proof of service on all parties. The motion must specifically state the issues and any relevant law that will be the subject of argument. The Merit Board will grant or deny the motion at the Merit Board meeting at which oral argument is requested. Oral argument in cases of discharge will generally not be allowed unless novel or precedent setting questions of law or policy are at issue.

5) Conduct of Hearing

A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the day of the hearing. The Hearing Board or Hearing Officer will give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer will conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case by case basis:

i) defining and simplification of the issues;

ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;

iii) reviewing each party's witness and exhibit list;

iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;

v) determining the length of time each party will need to present its case;

vi) exchanging exhibits; and

vii) discussing any matter that may aid in the efficient and timely disposition of the case.

B) Following the Pre-hearing Conference. The Hearing Board or Hearing Officer shall enter into the record any action taken and any agreements made by the parties as to the matters considered. The length and scope of the pre-hearing conference is at the discretion of the Hearing Board or Hearing Officer, but should generally be concluded within a one hour timeframe.

6) Order of Hearing

A) The Executive Director, or authorized representative, shall open and convene the hearing.

B) The Executive Director, or authorized representative, shall request all persons who have been asked to serve as witnesses, other than a party or employer representative, to be excluded from the hearing room while the hearing is in process, except during their own testimony and cross-examination. Except as he or she might intervene, or be requested to intervene, the Executive Director, or authorized representative, shall empower the Hearing Board or Hearing Officer to proceed with the hearing in such a manner as to provide the employer and the employee a full opportunity to present their positions to the Hearing Board or Hearing Officer.

C) The parties may make a brief opening statement at the beginning of the hearing. The employer will proceed first, followed by the employee. Opening statements may be waived or may be reserved and presented at the commencement of the party's case-in-chief.

D) The employer will first present its case-in-chief, with an opportunity for the employee to cross-examine the employer's witnesses. The employee may be called as an adverse witness during the course of the hearing.

E) The employee will then present his or her case-in-chief, with an opportunity for the employer to cross-examine the employee's witnesses.

F) Each party may call rebuttal witnesses if found to be necessary by the Hearing Board or Hearing Officer.

G) At the conclusion of the hearing, each party may make an oral closing argument. The employer may be permitted a brief rebuttal at the end of the employee's closing argument.

H) The hearing shall be closed when the employer and the employee have had a fair and reasonable opportunity to present their positions to the Hearing Board or Hearing Officer.

I) In addition, each party may submit written arguments, summary statements, and/or briefs within 10 calendar days after conclusion of the hearing. A copy of the written closing arguments must be provided to all parties of record and filed with the Executive Director, with proof of service included. Only written materials submitted within the 10 calendar day timeframe will be forwarded with the transcript of evidence and considered by the Hearing Board or Hearing Officer, unless otherwise extended by the Executive Director.

7) Evidence and Motions

A) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

B) All testimony will be presented under oath or affirmation. Objections to testimony or evidentiary offers will be noted in the record. Consistent with these requirements and in order to

expedite the hearing, any part of the evidence may be received in written form, provided the interests of the parties are not jeopardized.

C) The standard of proof applied by the Hearing Board or Hearing Officer when evaluating the charges will be the preponderance of the evidence.

D) The Hearing Board or Hearing Officer may, on its own motion or upon motion of one of the parties, take notice of matters of which the circuit courts of the State of Illinois take judicial notice.

E) The Hearing Board or Hearing Officer has the authority to rule on all motions that do not dispose of the proceedings. Examples of motions that can be ruled on by the Hearing Board or Hearing Officer are motions in limine or motions to suppress evidence. Motions directed at the Hearing Board or Hearing Officer shall be presented at the pre-hearing conference, if possible, and actions taken by the Hearing Board or Hearing Officer shall be entered into the record.

F) Motions that dispose of the proceedings must be directed to the Merit Board. Examples of motions that are to be directed to the Merit Board are motions to dismiss, motions to decide a proceeding on the merits, or motions claiming lack of jurisdiction. Motions must be filed with the Secretary for the Merit Board within 14 calendar days from the date of the postmark of the certified Hearing Record. Motions will be ruled on by the Merit Board at the Merit Board meeting in which the case is being considered. The filing of a motion of this nature shall not be allowed to cause any delay in the proceedings.

G) Performance records of the employee or past disciplinary records are admissible and relevant for the purpose of mitigation or aggravation, except if otherwise excluded by a local employer policy or collective bargaining agreement.

8) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the

hearing. It is the policy of the Merit Board to encourage stipulation of facts whenever practicable.

9) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties) any party may request a deposition of any witness to be taken for evidence in a hearing. If desired, subpoenas may be requested upon application to the Executive Director in a manner consistent with this Part. The deposition shall proceed in the manner provided by law for depositions in civil actions in the circuit courts of the State of Illinois.

10) Subpoenas. Requests for subpoenas shall be directed to the Executive Director at least five work days before the hearing, unless an exception is granted by the Executive Director. Subpoena requests may be granted if reasonably designed to produce or lead to the production of evidence related to the alleged charges and the terms of compliance are reasonable given the time frames and other circumstances. The party requesting the subpoenas shall be responsible for service and costs related to the subpoena of a witness. The fees of the witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of the State of Illinois. Subpoenas are effective throughout the course of the proceedings. Requests for subpoenas must be submitted in writing and include the following:

A) The name and address of the witnesses sought;

B) Any specific documents the witnesses will be required to bring; and

C) A brief statement of the relevant facts or testimony that the witnesses will be providing.

11) Request for Documents. Prior to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information, to the extent available at that time:

A) A list of the names and addresses of the witnesses the party proposes to call; and

B) All documents the party proposes to offer in its case-in-chief.

12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.

13) Disqualification of Assigned Hearing Board or Hearing Officer. A Hearing Board or Hearing Officer may be disqualified on grounds of bias or conflict of interest. An adverse ruling, or the fact that a Hearing Board or Hearing Officer has had contact with the University System, by itself, shall not constitute bias or conflict of interest. Whenever any party believes a Hearing Board or Hearing Officer should be disqualified from conducting an assigned proceeding, that party may file a request with the Executive Director to disqualify the Hearing Board or Hearing Officer, setting forth by affidavit the alleged grounds for disqualification, with proof of service on all parties. The Executive Director shall rule and make the final determination on all requests for disqualification.

14) Ex Parte Communications

A) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System Office, and the assigned Hearing Board or Hearing Officer shall not, after Notice of Convening of Hearing has been issued, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.

B) Communications regarding procedure, including interpretation and application of Section 36o of the State Universities Civil Service

Act, subsection (e), and related procedures are not considered ex parte communications.

15) Role and Responsibilities of the Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer shall be responsible for the following activities:

A) Conduct the pre-hearing conference;

B) Facilitate the timely completion of the hearing process, taking necessary steps to avoid delay;

C) Establish reasonable limits on the duration of witness testimony;

D) Limit repetitive or cumulative testimony;

E) Rule on motions, objections or evidentiary questions;

F) Hear evidence as presented at the hearing by the employer and the employee on behalf of their respective positions (such evidence may include matters in aggravation, mitigation and justification, which may pertain to the question of "just cause" for discharge);

G) Direct questions to witnesses at any time, but restrict questioning to the clarification of the testimony already presented;

H) Prepare a signed findings of fact within 15 calendar days after receipt of the transcript of the hearing proceedings to be transmitted to the Merit Board. The findings of fact shall set forth each of the written charges alleged in the Written Charges for Discharge, including an evaluation of the facts presented by the employer and employee with respect to each charge, and based on this evaluation, a determination as to whether the charges are sufficiently supported by the evidence presented. The findings of fact shall be based exclusively on the evidence and on matters officially noticed. The findings of fact presented by the Hearing Board or Hearing Officer are advisory only to the Merit Board. It is not the role of the Hearing Board or Hearing Officer to determine whether just cause for discharge exists. The

determination of just cause is the sole province of the Merit Board; and

I) Enter any order that further carries out the purpose of this Section.

16)~~5)~~ Decision of the Merit Board. The Merit Board shall enter findings of fact and shall order discharge or reinstatement of an employee with no loss of compensation, or make such other order as it deems appropriate. In the course of reaching their decision, the Merit Board may request the Executive Director to make such recommendations as he or she may deem appropriate with respect to the discharge proceedings. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in his/her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position.

17) Decision and Order of the Merit Board. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the employer~~Employer~~ and the employee~~Employee~~ by certified mail or by overnight delivery that requires signature upon receipt. Request for a rehearing, or for a reconsideration of a Merit Board order or decision, shall not extend any appeal period for administrative review, except by express order of the Merit Board or its Chair~~Chairman~~.

18) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for administrative review must be filed and summons issued within 35 days from the date that a copy of the Merit Board decision has been served upon the party affected. A decision of the Merit Board shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected by the decision at his or her last known residence or place of business.

19)~~6)~~ Time Period Proceedings~~.~~

A) On the motion of either party with notice to the other party, or by independent action of the Chair~~Chairman~~ of the Merit Board or the

Executive Director communicated to both parties, any time period set forth in this subsectionSection 250.110 (e) may be extended by the ChairChairman of the Merit Board or by the Executive Director for good cause shown., provided that no such

B) No extension may be beyond a period established by statute, Statute except for cases in which a written motion for continuance of a scheduled hearing is filed with the Secretary for the Merit Board at least 48 hours prior to the time scheduled for hearing, unless an exception is granted by the Executive Director. The moving party must set forth emergency grounds for a continuance, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God; the sudden illness or death of the movant, a member of his or her immediate family, or his or her legal counsel; or if the movant is able to demonstrate some other real and compelling need for additional time. If there is an arrest or criminal indictment of any employee that resulted from an employee's conduct in the course of employment duties, the Executive Director, at the request of the employee, may grant a continuance of hearing pending some resolution of the criminal charges. Requests for continuances must be preceded by contacting the opposing party and asking for agreement to the continuance.

C)B) The time periods set forth in this subsectionSection 250.110 (e), except for the 15-day period set forth in subsection (e)paragraph (3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this subsectionSection 250.110 (e), except for the 15-day period set forth in subsection (e)paragraph(3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose jurisdiction of any matter.

D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.

20)~~7)~~ Reason for Discharge. Causes justifying discharge and any suspension during the discharge proceedings shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or equipment; immoral or indecent conduct which violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.

21)~~8)~~ Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies thereof to parties to the proceedings shall be paid by the employer~~Employer~~. The Merit Board shall pay all expenses of the Hearing Board or Hearing Officer~~members~~ and any legal expenses incurred by a Hearing Board or Hearing Officer, to the extent that such expenses have been approved by the Merit Board or its Executive Director.

f) Demotion~~.~~

1) A demotion may occur when a status employee:

A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;

B) is subject to a reduction in percentage of time worked;

C) is appointed to a position in a lower class in a promotional line;

D) is appointed to a position in a class outside a promotional line with a lower pay potential;

E) is given a nonstatus appointment.

2) Actions Constituting Demotion

A)~~i)~~ Any of the ~~above~~ actions described in subsection (f)(1) is considered to be a demotion when that~~such~~ action has been initiated by the employer.

B)~~ii)~~ Such an action is not considered to be a demotion when such action has been initiated, or has been willingly accepted, by the employee. Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the date of certification to his/her most recent position.

C)~~iii)~~ Without the evidence indicated in subsection (f)(2)(B)~~(ii) above~~, the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.

3)~~2)~~ An employer may effectuate a demotion by filing a Notice of Demotion with the Merit Board and serving a copy of said Notice of Demotion on the employee by certified mail, by overnight delivery that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the date of service of the Notice of Demotion upon the employee. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection ~~Section 250.110~~(e).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted as set forth in the Notice of Demotion.

4)~~3)~~ A status employee, who is demoted to a position in a class in which he/she has never been employed on a status appointment, may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the class. The~~Such~~ employee must pass the~~such~~ examination as a condition to ~~his~~ retaining his/her appointment.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

g) Dismissal~~.~~

1) An employer may dismiss an employee whose name has been certified and who has been subsequently employed in a status position, except those specified in subsections ~~Section 250.110~~(h)(2) and (3), at any time during the probationary period of employment in a class, if the employer determines, pursuant to conditions of Section 250.90(a), that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service.

2) The employer shall notify the Executive Director promptly of dismissals, setting forth the reasons for such action.

h) Termination~~.~~

1) A notice of termination of employment shall be used by the employer to report completion of services of a temporary, or provisional employee, retirement of an employee, death of an employee, and/or the determination of the employer that an employee is unable to resume his/her duties at the expiration of a leave of absence in accordance with subsection ~~Section 250.110~~(b)(3).

2) An employer may terminate an Apprentice, a Trainee, or a Learner at any time during the period of training.

3) The employer shall notify the Executive Director promptly of all terminations of employment, setting forth the reasons for such action.

(Source: Amended at 30 Ill. Reg. 17384, effective October 23, 2006)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

1) Heading of Part: Right-To-Know Notice Costs

2) Code Citation: 35 Ill. Adm. Code 1662

3)

Section Numbers:	Adopted Action:
1662.100	New
1662.105	New
1662.110	New
1662.115	New
1662.120	New
1662.125	New
1662.130	New
1662.135	New

4) Statutory Authority: Section 25d-7(b) of the Environmental Protection Act (415 ILCS 5/25d-7(b))

5) Effective Date of Rules: October 23, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for inspection.

9) Notice of Proposal Published in Illinois Register: May 19, 2006; 30 Ill. Reg. 9258

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any adopted rulemakings pending on this Part? No

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

15) Summary and Purpose of Rules: Section 25d-7(b) of the Environmental Protection Act (415 ILCS 5/25d-7(b)) requires the Illinois EPA to adopt rules setting forth costs for which persons may be liable to the State under Section 25d-3(d) of the Environmental Protection Act (415 ILCS 5.25d-3(d)). The rules contain the procedures the Agency will use in identifying and collecting these costs.

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

Stephanie Flowers, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE O: RIGHT TO KNOW
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 1662
RIGHT-TO-KNOW NOTICE COSTS

Section
1662.100 Purpose
1662.105 Applicability
1662.110 Definitions
1662.115 Severability
1662.120 Right-To-Know Notice Costs
1662.125 Request for Payment
1662.130 Submittal of Payment
1662.135 Manner of Payment

AUTHORITY: Implementing Section 25d-3(d) and authorized by Section 25d-7(b) of the Environmental Protection Act [415 ILCS 5/25d-3(d) and 25d-7(b)].

SOURCE: Adopted at 30 Ill. Reg. 17409, effective October 23, 2006.

Section 1662.100 Purpose

This Part sets forth costs for which persons may be liable to the State under Section 25d-3(d) of the Act.

Section 1662.105 Applicability

The costs set forth in this Part may be collected from any person who is:

a) a responsible party with respect to the release or substantial threat of release for which notice is given pursuant to Section 25d-3 of the Act; or

b) a remedial applicant that has agreed to such costs under 35 Ill. Adm. Code 740.305(a)(6) when the Agency has determined that notice must be given pursuant to Section 25d-3 of the Act.

Section 1662.110 Definitions

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" is the Environmental Protection Agency established by the *Environmental Protection Act.* (Section 3.105 of the Act)

"Agency travel costs" means costs incurred and documented for travel in accordance with 80 Ill. Adm. Code 2800 and 3000 by individuals employed by the Agency. These costs include, but are not limited to, costs for lodging, meals, travel, automobile mileage, vehicle leasing, tolls, taxi fares, parking and miscellaneous items.

"Indirect costs" means those costs incurred by the Agency that cannot be attributed directly to a specific site but are necessary to support the site-specific activities, including, but not limited to, such expenses as managerial and administrative services, building rent and maintenance, utilities, telephone and office supplies.

"Other contractual costs" means costs for contractual services not otherwise specifically identified, including, but not limited to, printing, blueprints, photography, film processing, computer services and overnight mail.

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. (Section 3.315 of the Act)

"Personnel costs" means costs relative to the employment of individuals by the Agency. These costs include, but are not limited to, hourly wages and fringe benefits.

"Professional and artistic services contractual costs" means costs of consultants and contractors used by the Agency to perform services related to the Agency's obligation to give notice pursuant to Section 25d-3 of the Act.

Section 1662.115 Severability

If any provision of this Part or its application to any person or under any circumstance is adjudged invalid, that adjudication does not affect the validity of this Part as a whole or of any portion not adjudged invalid.

Section 1662.120 Right-To-Know Notice Costs

a) Responsible parties and remedial applicants are liable for the following costs incurred by the Agency in giving the notice pursuant to Section 25d-3 of the Act:

1) Personnel costs;

2) Agency travel costs;

3) Site evaluation costs, including, but not limited to, costs associated with reviewing plans, reports, photographs and maps;

4) File creation costs, including, but not limited to, costs associated with imaging, duplicating, indexing, quality assurance, and identifying documents exempt from public view;

5) Information systems costs, including, but not limited to, costs associated with internet posting, document scanning, and database creation;

6) Document repository costs;

7) Meeting costs, including, but not limited to, costs associated with public meetings, hearings, and special meetings;

8) Postage costs, including, but not limited to, direct mail and special courier;

9) Press services costs, including, but not limited to, costs associated with publishing and broadcasting;

10) Correspondence costs, including, but not limited to, costs associated with document preparation;

11) Professional and artistic services contractual costs;

12) Other contractual costs; and

13) Indirect costs.

b) For purposes of this Part, costs will begin to accrue on the date the Agency determines that notice is required under Section 25d-3 of the Act.

Section 1662.125 Request for Payment

The Agency shall prepare a written request for payment for costs incurred in providing the notice pursuant to Section 25d-3 of the Act. Costs shall be documented, and the documentation shall be made available to the responsible party or remedial applicant upon written request.

Section 1662.130 Submittal of Payment

a) Payments for costs incurred by the Agency in providing the notice pursuant to Section 25d-3 of the Act must be submitted to the Agency within 45 days after receipt of the Agency's written request for payment.

b) If payment is not received in full by the due date specified in subsection (a), the Agency may initiate other action, including, but not limited to:

1) Referral to the State Comptroller's Offset System pursuant to the State Comptrollers Act [15 ILCS 405];

2) Referral to the Department of Revenue's Debt Collection Bureau pursuant to the Illinois State Collection Act [30 ILCS 210]; and/or

3) Agency enforcement as authorized by the Act.

Section 1662.135 Manner of Payment

a) Payment must be made by check or money order. The check or money order must identify the site name and address, Illinois inventory identification number, and Federal Employer Identification Number or Social Security Number of the responsible party or remedial applicant. Payment must be mailed or delivered to the address designated by the Agency in the written request for payment. Payments that are hand-delivered must be delivered during the Agency's normal business hours.

b) Pursuant to Section 25d-3(d) of the Act, the check or money order must be made payable to "Treasurer − State of Illinois, For Deposit in the Hazardous Waste Fund" for all moneys paid to the State for costs related to releases and substantial threats of release of hazardous substances, pesticides, and petroleum, other than releases and substantial threats of release of petroleum from underground storage tanks subject to Title XVI of the Act.

c) Pursuant to Section 25d-3(d) of the Act, the check or money order must be made payable to "Treasurer − State of Illinois, For Deposit in the Underground Storage Tank Fund" for all moneys paid to the State for costs related to releases and substantial threats of release of petroleum from underground storage tanks subject to Title XVI of the Act.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3) Section Number: 1.88 Adopted Action: New Section

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Amendment: October 23, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 7, 2006; 30 Ill. Reg. 11482

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: Subsections (a)(1) and (a)(2) of new Section 1.88 were amplified with a statement excluding from consideration the scores of students who take the annual English language proficiency examination but are not being served in bilingual education programs.

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 agreement letter was issued.

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 Amendment: This rulemaking implements a portion of the requirements of Title III of the No Child Left Behind Act (Language Instruction for Limited English Proficient and Immigrant Students). Section 3122 of the Act requires each state agency receiving funding under Title III to develop "Annual Measurable Achievement Objectives" (AMAOs) that relate to the recipient children's development

and attainment of English proficiency. These are required to include at least an objective addressing the percentage of students making progress toward proficiency in English, an objective addressing the percentage attaining proficiency, and an objective for making adequate yearly progress (AYP) with respect to students of limited English proficiency. Students' scores on the annual examination of English language proficiency will be used in determining whether the first two objectives have been met, while their scores on the State assessment are used for determining AYP.

A new Section 1.88 has been added to the portion of Part 1 that sets out the statewide accountability framework. It should be noted, however, that the AMAOs will apply only to districts and cooperative entities that receive funding under Title III. The title of Section 1.88 reflects this limitation.

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

Robin M. Lisboa
Division of English Language Learning
Illinois State Board of Education
100 West Randolph St., Suite 14-300
Chicago, Illinois 60601

312/814-3850

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

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
1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III
1.90 System of Rewards and Recognition − The Illinois Honor Roll
1.95 Appeals Procedure
1.100 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)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1.270 Book and Material Selection (Repealed)
1.280 Discipline
1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1.620 Accreditation of Staff (Repealed)
1.630 Noncertificated Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Minimum Requirements for Teachers (Repealed)
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)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

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

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, 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; amended at 30 Ill. Reg. 17416, effective October 23, 2006.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III

This Section implements section 3122 of the No Child Left Behind Act of 2001 (NCLB) (20 USC 6842), which requires that states establish "Annual Measurable Achievement Objectives" (AMAOs) for educational agencies that use funds provided under Title III of the Act to serve students of limited proficiency in English and hold those entities accountable for meeting those

objectives. Further, this Section implements section 3113(b)(5) of NCLB (20 USC 6823), which requires states to hold local educational agencies and schools accountable for meeting all the objectives described in NCLB section 3122.

a) The three distinct AMAOs address proficiency, progress, and adequate yearly progress (AYP), respectively, in connection with students taking the annual English language proficiency examination prescribed by the State Board of Education in 23 Ill. Adm. Code 228 (Transitional Bilingual Education). These objectives shall apply at the district or cooperative level, as applicable, i.e., based on the test scores achieved by all the students served by each entity that receives Title III funding. In order to "meet AMAOs" for any given year, a district or cooperative must achieve all of the applicable objectives described in this subsection (a).

1) "Proficiency" relates to the percentage of students who attained the score identified by the State Board of Education (ISBE) as demonstrating English language proficiency and eligibility to exit bilingual education. The Illinois annual proficiency objective shall be 10 percent. This objective shall apply provided that the number of students tested is no fewer than 30. The scores of students tested but not being served in bilingual education programs shall not be counted for this purpose.

2) "Progress" relates to the percentage of students whose scores on a given administration of the English language proficiency examination increased in comparison to their previous scores by at least .5 of a level of attainment on any one of the four domains (listening, speaking, reading, and writing). The Illinois annual progress objective shall be 85 percent and shall apply provided that the number of students tested is no fewer than 30. A student's score shall be counted for this purpose only if he or she has received two consecutive scores while being served by the same district or cooperative. The scores of students tested but not being served in bilingual education programs shall not be counted for this purpose.

3) "Adequate yearly progress" or "AYP" has the meaning given to that term in Section 1.40 of this Part, except that, for purposes of this Section, AYP is specific to the scores earned on the reading and mathematics portions of the State assessment by students with limited proficiency in English, to their participation in the State assessment, and to their attendance or graduation rate, as applicable. The AYP objective shall apply only when

the number of students served is treated as a subgroup under Section 1.60(a) of this Part.

b) In order to avoid penalizing districts and cooperatives for the decision bias that is associated with drawing inferences from a small distribution, a 95 percent "confidence interval" shall be applied to the data involved in each calculation discussed in subsection (a) of this Section. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)

c) The scores of all students served by a cooperative shall be analyzed as one group for purposes of determining whether the cooperative has met AMAOs in a given year. The determination for a cooperative shall also apply to each of its member districts.

d) Section 3122(b) of NCLB requires entities funded under Title III that fail to reach AMAOs for two consecutive years to prepare improvement plans designed to ensure that the entities will meet those objectives in the future. Each entity that is subject to this requirement shall submit its plan no later than six months after it receives notification from ISBE of its failure to meet AMAOs for the second consecutive year. Should a district or cooperative elect not to apply for Title III funding in the subsequent year, it shall be required to submit an improvement plan before it next applies, unless data on the performance of its students demonstrate that the entity met AMAOs in the most recent year preceding its new application for funding. ISBE shall not approve an application for Title III funds from an entity that is subject to this requirement until its plan has been submitted.

e) When an entity funded under Title III has failed to reach AMAOs for four consecutive years, ISBE shall, as required by section 3122(b)(4) of NCLB:

1) require the entity to modify its curriculum, program, and method of instruction; or

2) make a determination regarding the entity's continued receipt of funds under Title III and require the entity to replace educational personnel relevant to the entity's failure to meet the achievement objectives.

f) The sanctions chosen pursuant to subsection (e) of this Section shall be identified based upon ISBE's analysis of the factors that prevented the entity from attaining the AMAOs, including those factors presented in the improvement plan submitted

in accordance with subsection (d) of this Section. In particular, ISBE shall deny continued Title III funding to an entity that:

1) fails or refuses to serve students according to relevant legal and/or regulatory requirements; or

2) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

(Source: Added at 30 Ill. Reg. 17416, effective October 23, 2006)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: New Teacher Induction and Mentoring

2) Code Citation: 23 Ill. Adm. Code 65

3)

Section Numbers:	Adopted Action:
65.10	New Section
65.20	New Section
65.110	New Section
65.120	New Section
65.130	New Section
65.140	New Section
65.150	New Section
65.160	New Section

4) Statutory Authority: 105 ILCS 5/21A-35

5) Effective Date of Rules: October 23, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted 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: July 7, 2006; 30 Ill. Reg. 11490

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Several nonsubstantive wording and punctuation changes were made by agreement with JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, originally published in the July 7, 2006 Illinois Register at 30 Ill. Reg. 11783, effective June 26, 2006.

14) Are there any other proposed rulemakings pending on this Part? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

15) Summary and Purpose of Rules: This rulemaking responds to a line item appropriation received by ISBE in the FY 07 budget for the "Beginning Teacher Induction Pilot Program". This is a new initiative authorized under Article 21A of the School Code, which was enacted in 2003 to provide for statewide induction and mentoring programs but also permits competitive grant programs in any year when the appropriation is not sufficient for that purpose.

The purpose of the pilot program is to support and study induction program models that provide for intensive interaction between new teachers and the mentors with whom they are paired. Significant amounts of time are to be set aside for their work together, and structured opportunities for ongoing assessment, feedback, and professional development are involved. The rules establish requirements for the size of the group to be served, the minimum amount of time to be spent, and an individual induction plan for each beginning teacher. The remaining provisions are typical for competitive grant programs, consisting of the application procedure, review criteria, and basis for allocation of funds.

These rules are identical to and will replace the emergency rules that took effect on June 26 of this year (published on July 7 at 30 Ill. Reg. 11783).

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

Linda Jamali
Certification Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/782-7702

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 b: PERSONNEL

PART 65
NEW TEACHER INDUCTION AND MENTORING

SUBPART A: GENERAL PROVISIONS

Section
65.10 Purpose and Scope
65.20 Requirements of the Plan; Program Specifications

SUBPART B: BEGINNING TEACHER INDUCTION PILOT PROGRAM

Section
65.110 Purpose and Applicability
65.120 Eligible Applicants
65.130 Program Specifications
65.140 Application Procedure
65.150 Criteria for the Review of Initial Applications
65.160 Allocation of Funds

AUTHORITY: Implementing Article 21A of the School Code [105 ILCS 5/Art. 21A] and authorized by Section 21A-35 of the School Code [105 ILCS 5/21A-35].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 11783, effective June 26, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 17425, effective October 23, 2006.

SUBPART A: GENERAL PROVISIONS

Section 65.10 Purpose and Scope

This Subpart A establishes the fundamental requirements that shall apply to each program of induction for new teachers for which approval or grant funds pursuant to Article 21A of the School Code [105 ILCS 5/Art. 21A] are sought.

Section 65.20 Requirements of the Plan; Program Specifications

a) When State funding is available for any initiative under Article 21A of the School Code, the State Superintendent of Education shall issue a Request for Proposals (RFP) (or, in the case of noncompetitive funding, other application materials) in order to solicit applications from eligible entities. As used in this Part, a "proposal" or "application" means relevant portions of a plan for an induction and mentoring program that meets the requirements of Section 21A-20 of the School Code [105 ILCS 5/21A-20], accompanied by the additional materials applicants will be required to submit, as described in the relevant Subpart of this Part.

b) Each plan shall conform to the requirements of Section 21A-20 of the School Code. In order to demonstrate the alignment required by Section 21A-20(2) of the School Code, each plan shall discuss the relationship among the services and experiences that will be available to new teachers, the content-area standards applicable to their respective fields of certification or assignment (see 23 Ill. Adm. Code 26 and 27), the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24), and the employing entity's existing plans for school improvement and professional development.

SUBPART B: BEGINNING TEACHER INDUCTION PILOT PROGRAM

Section 65.110 Purpose and Applicability

This Subpart B establishes the application procedure and criteria for selection by the State Board of Education of the applicants that will receive grant funds under the Beginning Teacher Induction Pilot Program as authorized by Section 21A-25 of the School Code [105 ILCS 5/21A-25]. The purposes of the Pilot Program shall be to provide support for programs of intensive support and mentoring for new teachers as specified in Section 65.130 of this Part and to gather information that will permit evaluation of the effects of these programs.

Section 65.120 Eligible Applicants

Eligible applicants for grant funding under this Subpart B shall be the entities identified in Section 21A-5 of the School Code [105 ILCS 5/21A-5], as well as 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)] (see Section 2-3.109a of the School Code [105 ILCS 5/2-3.109a]). An eligible applicant may also be a partnership of eligible entities or a partnership of one or more eligible entities and one or more institutions of higher education, professional associations, regional offices of education, or not-for-profit providers of educational services. No application shall be considered unless it includes a written statement by the authorized representative of the collective bargaining unit, if any, concurring with its submission.

Section 65.130 Program Specifications

a) Each program supported with grant funds under this Subpart B shall incorporate:

1) mentoring for new teachers that is provided by experienced teachers who have received training to equip them for this role;

2) professional development for recipient teachers, mentors, and administrators who have roles in the program; and

3) formative assessment of new teachers' practice with respect to the Illinois Professional Teaching Standards and the content-area standards relevant to their respective fields of assignment.

b) Each program shall serve no fewer than 10 new teachers. Each program shall serve no more than 75 new teachers, unless a specific rationale is provided that demonstrates how each new teacher will receive comparable and adequate attention and support.

c) Each new teacher shall, at the time he or she begins the program, be in his or her first year of teaching. Each shall hold an initial certificate, except that a provisional or alternative certificate that is not also titled an "initial" certificate shall be treated as an initial certificate if the holder will qualify for an initial certificate rather than a standard certificate upon completion of all applicable requirements.

d) Each program shall be designed to ensure that each new teacher spends no less than 1.5 hours per week in contact with the mentor assigned, either one on one or in another configuration, including both classroom observation of the new teacher by the mentor and other interactions between these individuals.

e) Each program shall provide for the development of an individual induction plan for each new teacher served and for the provision of professional development that is directly related to the needs identified in the individual plan.

Section 65.140 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 a description of the proposed program, identification of the specific schools in which the pilot program will be conducted, and the number of new teachers and mentors involved.

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. 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 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 such certifications 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 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 65.150 Criteria for the Review of Initial Applications

Applications for initial funding shall be evaluated in accordance with the criteria set forth in this Section. When considering substantially equal proposals, the State Superintendent of Education shall give preference to programs that will take place in hard-to-staff schools, i.e., Illinois public schools that rank in the upper third among public schools of their type (e.g., elementary, middle, secondary) in terms of the rate of attrition among teachers.

a) Program Design (45 points)

1) The proposal identifies specific practices and policies such as reduced course load for mentors, release time, and access to resources that will permit the participants in the program to devote the necessary time to induction and mentoring.

2) The proposal describes plans for timely orientation of the new teachers to the induction program and for a formal network of the novice colleagues that will provide them with ongoing learning opportunities and support.

3) The proposal clearly articulates methods for collecting evidence related to the new teachers' practice and describes how that information will be used in planning for professional development and other support for the new teachers.

4) The proposal includes specific plans for incorporating issues of pedagogy, classroom management, and content knowledge into professional development for the new teachers and for ensuring alignment of this material with the Illinois Professional Teaching Standards, the participants' specific identified needs, and local instructional priorities.

5) The proposal presents coherent allocation and scheduling of the participants' time and is cost-effective in light of the level of resources requested and the number of new teachers to be served.

b) Mentor Recruitment and Support (25 points)

1) The proposal describes a comprehensive strategy for recruiting experienced teachers who are suited to the role of mentors, including:

A) the involvement of parties with an interest in teacher quality and retention;

B) thorough outreach and communication regarding the availability of positions for mentors;

C) clear criteria for the skills and experience sought; and

D) consideration of multiple sources of information in identifying the candidates to be selected.

2) The proposal provides for formal orientation of the mentors selected, for fundamental training of these individuals at the beginning of the program, and for professional development during the course of the program that is designed to strengthen their ability to employ mentoring tools, protocols, and formative assessment in response to the needs of beginning teachers.

3) The proposal describes a systematic approach to establishing a "community of mentoring practice" that will enable the participating mentors to share experiences and strategies and support each other's work within the induction program.

c) Evaluation Design (20 points)

1) The proposal identifies information to be collected and reported on the performance and retention of new teachers that will add to an understanding of the effects of more intensive induction programs as compared to the results of more typical models.

2) The proposal suggests how the effects of particular initiatives or components of the program will be measured.

3) The applicant proposes a method for tracking the continued service of the teachers served after the project ends so that longitudinal data can be compiled.

d) Leadership and Direction (10 points)

1) The proposal demonstrates that the individuals who will direct or coordinate the induction program have experience in this endeavor or a commitment to it, as evidenced by their history of involvement or professional development.

2) The management structure described is appropriate to the scope and complexity of the program, the specific responsibilities of the on-site administrator are evident, and the roles and contributions of collaborating entities, if any, are clearly delineated.

3) The proposal includes strategies that will be used in providing oversight for the program to permit ongoing analysis of its effectiveness, necessary programmatic modifications, integration of various relevant professional development plans, and communication structures that respect the need for confidentiality when applicable.

Section 65.160 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 innovative induction models 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 implement their pilot programs.

c) An entity that has received three years' funding under this Subpart B may subsequently apply as a new applicant.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Transitional Bilingual Education

2) Code Citation: 23 Ill. Adm. Code 228

3)

Section Numbers:	Adopted Action:
228.10	Amendment
228.15	Amendment
228.20	Amendment
228.25	Amendment
228.30	Amendment
228.40	Amendment
228.50	Amendment
228.60	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.39(1)

5) Effective Date of Amendments: October 23, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? These rules do include an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act; please see Section 228.25(c).

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8016

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Information was added to the definitions of "Bilingual Education Teacher" and "Teacher of English as a Second Language" to acknowledge all the combinations of credentials authorizing employment in those capacities.

Additional definitions were inserted to identify the prescribed screening instrument and the annual English language proficiency assessment, and various references throughout the rules were edited slightly to use the terms as defined.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

References to "English as a Second Language" were amplified to acknowledge the emergence of the term "English as a New Language".

The definition of "Individual Student Language Assessment" was deleted from Section 228.10 because that term is not used in the remainder of the rules.

The phrase "whether born in the United States or born elsewhere" was added to the definition of "Students of Non-English Background" to make that definition explicitly consistent with the definition of "Students of Limited English Proficiency", and the phrase "in daily interaction" was deleted.

A new provision was added as Section 228.15(f) to emphasize the requirement to provide any accommodations called for in students' Individualized Education Programs (IEPs).

Section 228.25(c)(1) was expanded by identifying the standards on which the annual English language proficiency examination is based.

Section 228.25(c)(3) was reworded for clarity.

September 30th was inserted as the date to be used in determining required student-teacher ratios under Section 228.30(b), and provisions for flexibility during the school year were added.

Section 228.30(b)(4) was revised to apply only to classes taught in the native language.

The new requirements for administrators stated in Section 228.30(c) were expanded to include a phase-in period and to allow for the transition among types of programs that will occur as various populations of students grow over time.

A requirement was added to Section 228.30(d) for individuals who administer the screening instrument or the annual English language proficiency examination to have completed an on-line training sequence furnished by the State Board of Education.

A requirement for training for members of each district's parent advisory committee was added to Section 228.30(e)(5).

Language was added to Section 228.30(f) to acknowledge the use of other available information regarding students' literacy in their home languages when determining the structure of their individual transitional programs of instruction.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking results from the comprehensive review of the agency's rules. It includes many changes that simply eliminate redundant or unnecessary language, as well as reorganization of the text so that related provisions will be grouped together. For example, identical sets of programmatic requirements that have previously been stated in both Sections 228.30 and 228.40 have now been grouped under subheadings and stated only once. Along the same lines, language that addresses matters explicitly covered either in statute or in other ISBE rules is being deleted.

Other revisions do reflect changes of a substantive nature. Chief among these are the introduction of the WIDA-ACCESS Placement Test (W-APT), a screening instrument that can be used year-round to identify students with limited English proficiency (Section 228.15), and the requirement for reliance on a single State-prescribed test as the annual examination of English language proficiency (Section 228.25). Use of this instrument, known as the "ACCESS for ELLs®", conforms to the Title III requirements of the No Child Left Behind Act. The existing version of the rules has allowed for several choices with respect to the annual examination. The discussion of these various options and how those disparate scores must be treated can now be deleted.

In the interest of providing appropriate and high-quality services to students in bilingual education programs, Section 228.30(c) includes a new requirement that administrators in transitional bilingual education (TBE) programs hold either an approval or an endorsement in bilingual education and that those responsible for transitional programs of instruction (TPI) hold a credential in either bilingual education or English as a Second Language (ESL). An exception is made for those in programs serving fewer than 200 students, requiring targeted professional development on an annual basis instead of a specific approval or endorsement. A phase-in period is provided for individuals currently employed, as well as for situations of program growth where new requirements will begin to apply.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Robin M. Lisboa
Division of English Language Learning

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Illinois State Board of Education
100 West Randolph Street, Suite 14-300
Chicago, Illinois 60601

312/814-3850

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 f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 228
TRANSITIONAL BILINGUAL EDUCATION

Section
228.10 Definitions
228.15 Identification of Eligible Students
228.20 Public School Bilingual Census
228.25 Program Options, Placement, and Assessment
228.30 Establishment of Programs
228.40 Students' Participation; Records~~General Program Requirements~~
228.50 Program Plan Approval and Reimbursement Procedures
228.60 Enforcement

AUTHORITY: Implementing Article 14C and authorized by Section 2-3.39(1) of the School Code [105 ILCS 5/Art. 14C and 2-3.39(1)].

SOURCE: Adopted May 28, 1976; codified at 8 Ill. Reg. 5176; Part repealed, new Part adopted at 11 Ill. Reg. 5969, effective March 23, 1987; amended at 17 Ill. Reg. 104, effective December 18, 1992; amended at 26 Ill. Reg. 898, effective January 15, 2002; amended at 27 Ill. Reg. 9996, effective June 20, 2003; amended at 30 Ill. Reg. 17434, effective October 23, 2006.

Section 228.10 Definitions

"Bilingual Education Teacher" means a teacher who:

holds a valid Illinois certificate with an endorsement or approval in bilingual education or an endorsement in ENL with a language-specific designation for bilingual education (see 23 Ill. Adm. Code 25.Appendix E and 23 Ill. Adm. Code 1.780 and 1.781); or

holds a Transitional Bilingual Certificate endorsed for teaching in a language other than English and issued by the State Board of Education in accordance with 23 Ill. Adm. Code 25.90~~ (Certification)~~; or~~ a teacher who possesses a valid Illinois certificate issued pursuant to the provisions of 23 Ill. Adm. Code 25 (Certification), and a Statement of Approval issued by~~

~~the State Board of Education in accordance with the provisions of 23 Ill. Adm. Code 1.780 and 1.781 (Public Schools Evaluation, Recognition and Supervision)~~

holds a Visiting International Teacher Certificate and meets the requirements of 23 Ill. Adm. Code 25.92(i).

"English as a Second Language" or "~~(~~ESL~~)~~" or "English as a New Language" or "ENL" means specialized instruction designed to assist students whose home language is other than English in attaining English language proficiency. ESL or ENL instruction includes skills development in listening, speaking, reading, and writing. (ESL and ENL are~~is~~ not to be confused with English language arts as taught to students whose home language is English.)

"English Language Proficiency Assessment" means the ACCESS for ELLs® (World-class Instructional Design and Assessment Consortium, Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, MD#23, Madison WI 53706 (2006)).

"Home Language" means that language normally used in the home by the student and/or by the student's parents or legal guardians.

~~"Individual Student Language Assessment" means a procedure which determines a student's listening, speaking, reading (including comprehension), and writing skills in English.~~

"Prescribed Screening Instrument" means the WIDA ACCESS Placement Test (W-APT)™ (World-class Instructional Design and Assessment Consortium, Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, MD#23, Madison WI 53706 (2006)).

"Standard School Program" means the educational program offered by the local school district to the majority of its students ("general education").

"Students of~~Of~~ Limited English Proficiency" means students, whether born in the United States or born elsewhere, whose native language background is a language other than English and whose difficulties in ~~of non-English background whose aural comprehension,~~ speaking, reading, ~~or~~ writing, or understanding ~~proficiency in~~ English may be sufficient to deny them~~is below the average English proficiency level of students of the same age and/or grade whose first or home~~

~~language is English~~:

the ability to meet the State's proficient level of achievement on State assessments;

the ability to successfully achieve in classrooms where the language of instruction is English; or

the opportunity to participate fully in the school setting.

"Students of~~Of~~ Non-English Background" means students, whether born in the United States or born elsewhere, whose native language is other than English or students who come from homes where a language other than English is spoken~~ in daily interaction~~, either by the students themselves or by their parents or legal guardians.

"Teacher of English as a Second Language" or "Teacher of English as a New Language" means a teacher who:

holds~~meets the requirements set forth in 23 Ill. Adm. Code 1.782 (Public Schools Evaluation, Recognition and Supervision); a teacher who possesses~~ a special~~Standard Special~~ certificate endorsed for teaching ESL or ENL, issued by the State Board of Education in accordance with 23 Ill. Adm. Code 25~~ (Certification)~~; or ~~a teacher who possesses~~

holds a valid Illinois certificate and an endorsement or approval for~~a Statement of Approval for teachers of~~ ESL, issued by the State Board of Education pursuant to 23 Ill. Adm. Code 1.780, 1.781, and 1.782; or

meets the requirements set forth in 23 Ill. Adm. Code 1.782~~(Public Schools Evaluation, Recognition and Supervision)~~.

~~"Transitional Bilingual Education Program" means a program which must be provided by a school district when there are within an attendance center 20 or more students of the same non-English language background identified as below average in English proficiency. A student's program can be either full-time or part-time, depending on the level of the student's proficiency in English. The school district's program must meet the standards set forth in Section 228.30(a) of this Part.~~

~~"Transitional Program of Instruction" means a program designed by a school district when there are within an attendance center 19 or fewer students of the same non-English language background identified as below average in English proficency. The school district's program must meet the standards set forth in Section 228.30(b) of this Part.~~

(Source: Amended at 30 Ill. Reg. 17434, effective October 23, 2006)

Section 228.15 Identification of Eligible Students

a) Each school district shall administer a home language survey with respect to each student entering the district's schools for the first time, for the purpose of identifying students of non-English background. The survey shall include at least the following questions, and the student shall be identified as having a non-English background if the answer to either question is yes:

1) Whether a language other than English is spoken in the student's home and, if so, which language; and

2) Whether the student speaks a language other than English and, if so, which language.

b) The home language survey shall be administered in English and, if feasible, in the student's home language.

c) The home language survey form shall provide spaces~~a space~~ for the date and the signature of the student's parent or legal guardian.

d) The completed home language survey form shall be placed into the student's temporary record as defined in 23 Ill. Adm. Code 375 (Student Records).

e) ~~It shall be the duty of each school district conducting home language surveys to use its best efforts in seeking out children believed to be of limited English proficiency who are resident within such district but are not enrolled in a private school within the district.~~

~~f)~~ The district shall, using the prescribed screening instrument, screen the English~~administer an individual~~ language proficiency of~~assessment to~~ each student identified through the home language survey as having a non-English background. This assessment shall take place within 30 days after~~four weeks of~~

the student's enrollment in the district, for the purpose of determining the student's eligibility for bilingual education services and, if eligible, the appropriate placement for the student.

1) A district may rely upon a student's score attained on the prescribed screening instrument or on the assessment instrument prescribed under Section 228.25(c) of this Part, if either is available from another school district or another state, provided that the score was achieved no more than 12 months prior to the district's need to assess the student's proficiency in English for purposes of eligibility and placement.

2) Each student whose score on the prescribed screening instrument is identified as not "proficient" as defined by the State Superintendent of Education shall be considered to have limited English proficiency and therefore to be eligible for bilingual education services. However, even if the student scores at the "proficient" level, the school district may consider additional indicators such as the results of criterion-referenced or locally developed tests, teachers' evaluations of performance, samples of a student's work, or information received from family members and school personnel in order to determine whether the student's proficiency in English is limited and the student is eligible for services.

3) Students who, based on review of assessment scores and other evidence such as that outlined in subsection (e)(2) of this Section, are judged to be of limited English proficiency shall be eligible for, and shall be placed into a program of, bilingual education services.

f) Each district shall ensure that any accommodations called for in the Individualized Education Programs of students with disabilities are afforded to those students in the administration of the screening instrument discussed in this Section and the language proficiency assessment prescribed under Section 228.25(c) of this Part.

~~g) Individual language proficiency assessments shall be conducted in accordance with the following requirements.~~

~~1) A nationally normed test of English-language proficiency shall be administered to each student who is old enough to take such a test. Each such test shall include measures of oral language skills (listening and speaking). Each such test to be administered to a student in grade 2 or~~

~~above shall also include measures of reading and writing proficiency. Each student who scores below the 50th percentile on such a test (or, where test results are not expressed as percentile scores, below the proficiency level comparable to the 50th percentile) shall be considered as having limited English proficiency and shall be eligible for bilingual education services.~~

~~2) In cases where no nationally normed English proficiency measure can be administered, and for all students of non-English language background who score at or above the 50th percentile or the equivalent on the nationally normed test used, the school district shall also consider other indicators such as the results of criterion-referenced or locally developed tests, teachers' evaluations of performance, samples of a student's work, and/or information received from family members and school personnel in identifying limited English proficiency and determining eligibility for bilingual education services.~~

~~3) Students who, based on review of evidence such as that outlined in subsection (2) above, are judged to be unable to perform successfully in classes where instruction is given only in English or more than one year behind the average performace of students (of comparable age/grade) in the district in any subject as identified in Section 228.30 (a)(1)(A) of this Part shall be considered as having limited English proficiency and shall be eligible for bilingual education services.~~

g)~~h)~~ The parent or guardian of any child resident in a school district who has not been identified as having limited English proficiency may request the district to determine whether the~~such~~ child should be considered for placement in a bilingual education program, and the school district shall make that~~such~~ determination upon request, using the process described in this Section. A determination contested by a parent or legal guardian may be appealed to the regional superintendent of schools for the region~~Superintendent of the Educational Service Region~~ in which the district is located, pursuant to the provisions of Section 3-10 of the School Code [105 ILCS 5/3-10]~~(Ill. Rev. Stat. 1991, ch. 122, par. 3-10)~~.

(Source: Amended at 30 Ill. Reg. 17434, effective October 23, 2006)

Section 228.20 Public School Bilingual Census

a) *No later than the first day of March of each year, every school district shall* submit a bilingual census report for that school year to the State SuperintendentBoard of Education (Section 14C-3 of the School Code [105 ILCS 5/14C-3]; Ill. Rev. Stat. 1991, ch. 122, par. 14C-3). The bilingual census report shall be submitted on forms provided by the SuperintendentBoard and shall include:

1) the number of students of non-English background in each attendance center, as identified via the home language survey;

2) the number of those students who have been identified as having limited English proficiency based on the results of the prescribed screening instrument or the English language proficiency assessment and other factors discussed in Section 228.15(e) or Section 228.25(c) of this Part; and

3) the home languages, ages, and grade or achievement levels of the students identified as having limited English proficiency.

b) A district may use the number of students who have been identified in its census report as having limited English proficiency and who are thus eligible for bilingual education services as a preliminary count for the purpose of submitting a program application pursuant to Section 228.50 of this Part.

(Source: Amended at 30 Ill. Reg. 17434, effective October 23, 2006)

Section 228.25 Program Options, Placement, and Assessment

a) *When an attendance center has an enrollment of 20 or more limited English proficient students of the same language classification, the school district must establish a transitional bilingual education (TBE) program* for each language classification represented by thosesuch students (Section 14C-3 of the School Code). A further assessment of those students to determine their specific programmatic needs or for bilingual instruction and for placement in either a full-time or a part-time program mayshall be conducted.

b) *When an attendance center has an enrollment of 19 or fewer students of limited English proficiency* and from any single non-English language, the school district shall conduct an individual student language assessment to determine each student's need for native language instruction and may provide a transitional

bilingual program in the non-English languages~~language(s)~~ common to such students. If the district elects not to provide a transitional bilingual program, the district ~~or~~ shall provide a locally determined transitional program of instruction (TPI) for those students. (Section 14C-3 of the School Code~~.~~)

c) ~~Districts shall consider the following factors when determining an individual student's full-time or part-time educational program needs: language assessement in English and, if available, in the student's home language; academic history and achievement levels; age; cultural background; handicapping conditions, if any; and any other factors that would assist the district in designing an instructional program appropriate to the student's needs.~~

~~d)~~ *Annual Examination*

1) *School districts must annually assess the English language proficiency, including aural comprehension (listening), speaking, reading, and writing skills, of all students enrolled in programs ~~on an annual basis~~* (Section 14C-3 of the School Code), using the English language proficiency assessment prescribed by the State Superintendent of Education. This assessment shall be administered during a testing window designated by the State Superintendent, for the purpose of determining individual students' continuing need and eligibility for bilingual education services. The annual assessment shall be based on the "Framework for Large-Scale Assessment of the English Language Proficiency Standards for English Language Learners K-12" (2004), published by the State of Wisconsin and posted at www.isbe.net/bilingual/pdfs/elps_framework.pdf. No later amendments to or editions of these standards are incorporated by this Section.

~~A)~~ ~~Districts may comply with this requirement by administering the same nationally normed test(s) of English-language proficiency used to identify students eligible for bilingual education services.~~

~~B)~~ ~~Districts may also select instruments other than those used to identify eligible students. For each such other instrument used, the district shall provide evidence in its annual application (see Section 228.50 of this Part) that the score used as an exit criterion represents a level of English-language proficiency comparable to that represented by the 50th percentile score or equivalent on the nationally normed test used in eligibility determinations.~~

2) Each student whose score on the English language proficiency assessment is identified as "proficient" may be considered eligible to exit the program of bilingual education services. However, the school district may also consider other indicators such as those listed in Section 228.15(e)(2) of this Part to determine whether individual students continue to exhibit limited English proficiency and remain eligible for bilingual education services, subject also to the provisions of Section 14C-3 of the School Code [105 ILCS 5/14C-3]. ~~Students who score at or above the 50th percentile (or, where test results are not expressed as percentile scores, the proficiency level comparable to the 50th percentile) on the nationally normed test of English language proficiency chosen for their respective ages or grade levels by the district and described in the district's program application shall be eligible to exit from the bilingual education program as provided in Section 228.30(a)(4) of this Part.~~

3) Beginning with the 2007 administration of the annual English language proficiency examination, each student who is not enrolled in a program under this Part but who has been identified as having limited English proficiency at any time since 2006 shall be required to participate in the annual examination each year until he or she achieves a "proficient" score. ~~School districts shall maintain records of individual test scores in accordance with the provisions of 23 Ill. Adm. Code 375 (Student Records).~~

(Source: Amended at 30 Ill. Reg. 17434, effective October 23, 2006)

Section 228.30 Establishment of Programs

a) Administrative Provisions

1) Program Facilities – *Programs shall be located in regular public school facilities rather than in separate facilities*. (Section 14C-6 of the School Code [105 ILCS 5/14C-6]) If such a location is not feasible, the substitute location shall be comparable to those made available to a majority of the district's students with respect to space and equipment. If housed in a facility other than a public school (including a charter school), the school district shall provide a written explanation in its annual application to the State Superintendent of Education as to why the use of a public school building is not feasible.

2) Course Credit – Students enrolled in approved programs shall receive full credit for courses taken in such programs, which shall count toward promotion and fulfillment of district graduation requirements. Courses in ESL shall count toward English requirements for graduation. Students who change attendance centers or school districts shall do so without loss of credit for coursework completed in the program.

3) *Extracurricular Activities – Each district shall ensure that students enrolled in programs shall have the opportunity to participate fully in the extracurricular activities of the public schools in the district.* (Section 14C-7 of the School Code [105 ILCS 5/14C-7])

4) Inclusion of Students Whose First or Home Language is English – Students whose first or home language is English may be included in a program under this Part provided that all students of limited English proficiency are served.

5) Joint Programs – A school district may join with one or more other school districts to provide joint programs or services in accordance with the provisions of Section 10-22.31a of the School Code [105 ILCS 5/10-22.31a]. The designated administrative agent shall adhere to the procedures contained in 23 Ill. Adm. Code 110 (Program Accounting Manual) as they pertain to cooperative agreements.

6) Preschool and Summer School – *A school district may establish preschool and summer school programs for students of limited English proficiency, or join with other school districts in establishing such programs. Summer school programs shall not replace programs required during the regular school year.* (Section 14C-11 of the School Code [105 ILCS 5/14C-11])

b) Instructional Specifications

1) Student-Teacher Ratio – The student-teacher ratio in the ESL and native language components of programs as of September 30 of each school year shall not exceed 90% of the average student-teacher ratio in general education classes for the same grades in that attendance center. Decreases in the ratio for general education during the course of a school year due to students' mobility shall not require corresponding adjustments within the bilingual program. Further, additional students may be placed into

bilingual classes during the course of a school year, provided that no bilingual classroom may exhibit a student-teacher ratio that is greater than the average for general education classes in that grade and attendance center as a result of such placements.

2) Grade-Level Placement – *Students enrolled in a program of transitional bilingual education shall be placed in classes with students of approximately the same age or grade level*, except as provided in subsection (b)(3) of this Section. (Section 14C-6 of the School Code)

3) Multilevel Grouping – *If students of different age groups or educational levels are combined in the same class, the school district shall ensure that the instruction given each student is appropriate to his/her age or grade level.* (Section 14C-6 of the School Code) Evidence of compliance with this requirement shall be:

A) individualized instructional programs; or

B) grouping of students for instruction according to grade level.

4) Language Grouping – School districts may place students of limited English proficiency who have different home languages in the same class, provided that, in classes taught in the native language:

A) instructional personnel or assistants representing each of the languages in the class are used; and

B) the instructional materials are appropriate for the languages of instruction.

5) Program Integration – *In courses of subjects in which language is not essential to an understanding of the subject matter, including, but not necessarily limited to, art, music, and physical education, students of limited English proficiency shall participate fully with their English-speaking classmates.* (Section 14C-7 of the School Code)

c) Administrators

Beginning July 1, 2008, each individual newly assigned to administer a program under this Part shall meet the applicable requirements of this subsection (c).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Administrators first assigned on or before June 30, 2008, shall be subject to the applicable requirements of this subsection (c) as of July 1, 2010.

1) Except as provided in subsections (c)(3) and (4) of this Section, any person designated to administer a TBE program must hold a valid administrative certificate or supervisory endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision) and must hold the bilingual approval or endorsement.

2) Except as provided in subsections (c)(3) and (4) of this Section, any person designated to administer a TPI program must hold a valid administrative certificate or supervisory endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 and 1 and must hold the bilingual or ESL approval or endorsement.

3) A person designated to administer a TBE or TPI program in a district with fewer than 200 TBE/TPI students shall be exempt from the requirement for bilingual or ESL approval or endorsement, provided that he or she annually completes two hours of professional development specifically designed to address the needs of students with limited English proficiency. Documentation for this professional development activity shall be made available to a representative of the State Board of Education upon request.

4) A person who has been assigned to administer a TPI program in a district that experiences such growth in the number of students eligible for bilingual education that a TBE program is required shall become subject to the requirements of subsection (c)(1) of this Section at the beginning of the fourth school year of the TBE program's operation. A person who has been assigned to administer a program under subsection (c)(3) of this Section in a district where the number of students eligible for bilingual education grows beyond 200 shall become subject to the requirements of subsection (c)(2) of this Section at the beginning of the fourth school year in which the eligible population exceeds 200 students. That is, each individual may continue to serve for the first three school years on the credentials that qualified him or her to administer the program previously operated.

d) In-Service Training for Staff

1) Each school district having a program shall annually plan in-service training activities for the certificated and noncertificated personnel involved in the education of students of limited English proficiency. This plan shall be included in the district's annual application and shall be approved by the State Superintendent of Education if it meets the standards set forth in subsections (d)(2) and (d)(3) of this Section.

2) Program staff beginning their initial year of service shall be involved in training activities that will develop their knowledge of the requirements for the program established under this Part and the employing district's relevant policies and procedures.

3) Training activities shall be provided to all bilingual program staff at least twice yearly and shall address at least one of the following areas:

A) current research in bilingual education;

B) content-area and language proficiency assessment of students with limited English proficiency;

C) research-based methods and techniques for teaching students with limited English proficiency;

D) research-based methods and techniques for teaching students with limited English proficiency who also have disabilities; and

E) the culture and history of the United States and of the country, territory or geographic area that is the native land of the students or of their parents.

4) In addition to any other training required under this subsection (d), each individual who is responsible for administering the screening instrument referred to in Section 228.15(e) of this Part or the annual English language proficiency examination discussed in Section 228.25(c) of this Part shall be required to complete an on-line training sequence furnished by the State Board of Education and to pass the test embedded in that material.

e) Specific Requirements for Transitional Bilingual Education (TBE) Programs

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Each full-time TBE program shall consist of at least the following components (Section 14C-2 of the School Code)~~*Program components of a full-time program – a full-time Transitional Bilingual Education Program shall include the following components* (Section 14C-2 of the School Code; Ill. Rev. Stat. 1991, ch. 122, par. 14C-2)~~:

A) *Instruction in subjects which are either required by law* (see 23 Ill. Adm. Code 1) *or by the student's school district, to be given in the student's home language and in English; core subjects such as math, science and social studies must be offered in the student's home language;*

B) *Instruction in the language arts in the student's home language and in English as a second language; and*

C) *Instruction in the history and culture of the country, territory, or geographic area which is the native land of the students or of their parents and in the history and culture of the United States.*

2) Programs may also include other services, modifications, or activities such as counseling, tutorial assistance, learning settings, or special instructional resources that will assist students of limited English proficiency in meeting the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D).

3)~~2)~~ ~~Program Structure for Part-Time Programs –~~ Students may be placed into~~, including kindergarten students in either full-day or half-day programs, are eligible for placement in~~ a part-time program~~ pursuant to the provisions of Section 228.25 (c) of this Part~~, or students previously placed in a full-time program may be placed in a part-time program, if ~~under the following conditions: A)~~an assessment of the student's English language skills has been performed in accordance with the provisions of either Section 228.15(e) or Section 228.25(c)~~Section 228.15 (f)~~ of this Part and the assessment results indicate that the student has sufficient proficiency in English to benefit from a part-time program. However, district staff shall consider the student's score and his or her proficiency in the home language,~~; B)the student's~~ prior performance, if any, in coursework taught exclusively in English, current academic performance, and other relevant factors such as age, disability, and cultural background in order to

determine whether a full-time or a part-time program is appropriate. ~~has been evaluated; and~~

~~C) a review of these areas shows a performance that is less than one academic year behind the average of students of the same grade level in the district, in all but one or two subject areas, so that instruction in ESL and subject area instruction in the home language may still be necessary.~~

4)~~3)~~ ~~Program Components of a Part-Time Program —~~A part-time program shall~~will~~ consist of components of a full-time program that are selected for a particular student ~~those instructional programs and materials, supportive services (e.g., counseling, special instructional resources, or tutorial assistance), learning settings, and other educational services which modify, supplement, and support the standard educational program of the public school and which,~~ based upon an assessment of the student's educational needs ~~in accordance with the standards set forth in subsection (a)(2) of this Section, will provide daily instruction in the home language and in English~~. Each student's part-time program shall provide daily instruction in English and in the student's native language as determined by the student's needs.

~~4) *Duration of program participation*~~

~~A) *No school district shall withdraw a student prior to the completion of three years of program enrollment without written approval from the student's parents or legal guardians, and unless the student has received a score on the annual examination which* meets or exceeds the program exit criteria established pursuant to Section 228.25(d)(2) of this Part.~~

~~B) *A student may remain in the transitional bilingual education program longer than three years at the discretion of the school district and subject to the approval of the student's parents.*~~

~~C) *If a student, having been transferred from a program prior to three years, demonstrates, in the judgement of the school district, an inadequate command of English, said student may be re-enrolled in the program for the balance of the three years,* subject to the approval of the student's parents. (Section 14C-3 of the School~~

~~Code.)~~

5) ~~Inclusion of Students Whose First or Home Language is English – Students whose first or home language is English may be included in a program of transitional bilingual education provided that all students of limited English proficiency are served.~~

~~6) Language Grouping – School districts may place in the same class in any program of transitional bilingual education students of limited English proficiency of different home languages, provided that, in classes other than ESL:~~

~~A) instructional personnel or assistants representing each of the languages in the class are used; and~~

~~B) the instructional materials are appropriate (e.g., grade level and subject matter) for the languages of instruction.~~

~~7) Personnel~~

~~A) Any person designated to administer the program by the district superintendent must hold a registered supervisory or administrative certificate or endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).~~

~~B) Standards for Teachers in Bilingual Education Programs – Bilingual teachers and teachers of English as a Second Language who provide instruction in transitional bilingual education programs shall meet applicable requirements of 23 Ill. Adm. Code 1.780 through 1.782 (Public Schools Evaluation, Recognition and Supervision).~~

~~C) Noncertificated Personnel – School districts may employ noncertificated personnel to assist certified personnel teaching in transitional bilingual education programs approved pursuant to this Part. Noncertificated personnel may include instructional aides, who must possess a Statement of Approval issued by the State Board of Education pursuant to 23 Ill. Adm. Code 1.630 (Public~~

~~Schools Evaluation, Recognition and Supervision). Other personnel who may be employed include translators, tutors, interpreters and such additional personnel as are determined to be needed by the school district to assist a student's early and effective transition to the regular school program.~~

~~D)~~ ~~Other Professional Staff – Districts providing programs may employ other professional staff to provide services to limited English proficient students. These professionals must hold certificates appropriate to their roles.~~

~~8)~~ *Parent and Community Participation – Each district or cooperative shall establish a parent advisory committee consisting of parents, legal guardians, transitional bilingual education teachers, counselors, and community leaders. This committee shall participate in the planning, operation, and evaluation of programs. The majority of committee members shall be parents or legal guardians of students enrolled in these programs. Membership on this committee shall be representative of the languages served in programs to the extent possible.* (Section 14C-10 of the School Code [105 ILCS 5/14C-10]~~; Ill. Rev. Stat 1991, ch. 122, par. 14C-10.~~)

A) The committee shall:

i~~A~~) meet at least four times per year;

ii~~B~~) maintain on file with the school district minutes of these meetings; and

iii~~C~~) review the district's annual program application to the State Superintendent~~Board~~ of Education.

B) Each district or cooperative shall ensure that training is provided annually to the members of its parent advisory committee. This training shall be conducted in language that the parent members can understand and shall encompass, but need not be limited to, information related to instructional approaches and methods in bilingual education; the provisions of State and federal law related to students' participation and parents' rights; and accountability measures relevant to students in bilingual programs.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

f)~~b)~~ Specific Requirements for Transitional Program of Instruction (TPI)

1) Program Structure – The level of a student's proficiency in English, as determined by an individual student language assessment in conjunction with other information available to the district regarding the student's level of literacy in his or her home language, will determine the structure of the student's instructional program.

2) Program Components – A transitional program of instruction must include instruction or other assistance in the student's home language to the extent necessary, as determined by the district on the basis of the student assessment required in Section 228.15(e) or Section 228.25(c)~~228.15 (f)~~ of this Part, to enable the student to keep pace with his/her age or grade peers in achievement in the core academic content areas. A transitional program of instruction may include, but is not limited to, the following components: instruction in ESL, language arts in the students' home language, and instruction in the history and culture of the country, territory, or geographic area that~~which~~ is the native land of the students or of their parents and in the history and culture of the United States.

~~3) Duration of Student Program Participation – A student of limited English proficiency shall remain in the program until an individual student language assessment determines that the student has achieved a level of English proficiency which meets or exceeds the district's exit criteria as provided in Section 228.25(d) of this Part.~~

~~4) Personnel~~

~~A) Any person designated by the district superintendent to administer the program must hold a registered supervisory or administrative certificate or endorsement issued by the State Board of Education pursuant to 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).~~

~~B) Standards for Teachers in Transitional Programs of Instruction – Bilingual teachers and teachers of English as a Second Language who provide instruction in transitional programs of instruction shall meet applicable requirements of 23 Ill. Adm. Code 1.780 through 1.782 (Public Schools Evaluation, Recognition and~~

~~Supervision).~~

~~C) Noncertificated and Other Personnel – School districts may employ noncertificated personnel to assist certified personnel teaching in a transitional program of instruction. Such personnel may include instructional aides who possess a Statement of Approval issued by the State Board of Education pursuant to 23 Ill. Adm. Code 1.630. Other personnel who may be employed include translators, tutors, interpreters and such additional personnel as are determined to be needed by the school district to assist a student's early and effective transition to the regular school program.~~

~~D) Other Professional Personnel – Districts providing a program may employ other professional staff to provide services to limited English proficient students. These professionals must hold certificates appropriate to their roles pursuant to 23 Ill. Adm. Code 25 (Certification).~~

(Source: Amended at 30 Ill. Reg. 17434, effective October 23, 2006)

Section 228.40 **Students' Participation; Records**~~**General Program Requirements**~~

a) Notice of Enrollment and Withdrawal

1) *Notice of Enrollment − No later than 30 days after the beginning of the school year or 14 days after the enrollment of any student in a transitional bilingual education program in the middle of a school year, the school district shall notify by mail the parents or legal guardians of the student that their child has been enrolled in a transitional bilingual education program or a transitional program of instruction. The notice shall be in English and in the home language of the student and shall convey, in simple, nontechnical language,* all of the information called for in Section 14C-4 of the School Code [105 ILCS 5/14C-4].

2) *Withdrawal by Parents − Any parent or legal guardian whose child has been enrolled in a program shall have the absolute right to withdraw the child from the program immediately by submitting a written notice of his or her desire to withdraw the child to the school authorities of the school in which the child is enrolled or to the school district in which the child resides.* (Section 14C-4 of the School Code)

b) Unless terminated as set forth in subsection (a)(2) of this Section, the duration of a student's participation in a program under this Part shall be as set forth in Section 14C-3 of the School Code.

~~Program Standards~~

~~1) Course Credit – Students enrolled in approved programs shall receive full credit for courses taken in such programs, which shall count toward promotion and fulfillment of district graduation requirements. Courses in ESL shall count toward English requirements for graduation. Students who change attendance centers or school districts shall do so without loss of credit for time spent in the program.~~

~~2) *Extracurricular Activities – Each district shall ensure that students enrolled in programs shall have the opportunity to participate fully in the extracurricular activities of the public schools in the district.*~~

~~3) *Program Integration – In courses or subjects in which language is not essential to an understanding of the subject matter, including, but not necessarily limited to, art, music, and physical education, students of limited English proficiency shall participate fully with their English-speaking classmates.*~~

~~4) Student-Teacher Ratio – The student-teacher ratio in the ESL and native language components of programs shall not exceed 90% of the average student-teacher ratio in regular classes in that attendance center.~~

~~5) *Grouping of Age-Grade Levels – Students enrolled in a program of transitional bilingual education shall be placed in classes with students of approximately the same age or grade level*, except as provided in subsection (b)(6) of this Section.~~

~~6) *If students of different age groups or educational levels are combined in the same class, the school district shall ensure that the instruction given each student is appropriate to his/her age or grade level.* Evidence of compliance with this requirement shall be:~~

~~A) individualized instructional programs; or~~

B) class grouping and instruction by ability level.

7) *Program Facilities — Programs shall be located in regular public school facilities rather than in separate facilities. If such a location is not feasible, the substitute location* shall be comparable to those made available to a majority of the district's students with respect to space and equipment. If housed in a facility other than a public school, the school district shall provide a written explanation in its annual application to the State Board of Education as to why the use of a public school building is not feasible.

e) *Staff Inservice*

1) Each school district having a program shall annually plan inservice training activities for the certificated and noncertificated personnel involved in the education of students of limited English proficiency. This plan shall be included in the district's annual application and shall be approved by the State Board of Education if it meets the standards set forth in subsections (e)(2) and (e)(3) of this Section.

2) Program staff beginning their initial year of service shall be involved in training activities that will develop their knowledge of basic bilingual program requirements and which shall include, but need not be limited to, the following: minimum program standards, district identification and assessment procedure, program design, and basic instructional techniques for teachers of students with limited English proficiency.

3) Ongoing training activities for all bilingual program staff shall take place at least twice yearly. The areas to be addressed shall include but need not be limited to one or more of the following:

A) current research in the teaching of bilingual education;

B) methods and techniques for teaching content areas, language arts of the students' home languages, and ESL in a bilingual classroom;

C) language assessment;

D) issues related to the culture and history of the United States and of the country, territory or geographic area that is the native land of

~~the students or of their parents; and~~

~~E) issues related to serving students with limited English proficiency who also have disabilities.~~

~~d) Joint Programs − A school district may join with one or more school district(s) to provide joint programs or services in accordance with the provisions of Section 10-22.31a of the School Code [105 ILCS 5/10-22.31a]. The designated administrative agent shall adhere to the procedures contained in 23 Ill. Adm. Code 110 (Program Accounting Manual) as they pertain to cooperative agreements.~~

~~e) *Preschool and Summer School Programs − A school district may establish preschool and summer school programs for students of limited English proficiency, or join with other school districts in establishing such programs. Summer school programs shall not replace programs required during the regular school year.*~~

c)~~f)~~ Maintenance of Records and Reporting Procedures

1) Report Cards − The school shall send progress reports to parents or legal guardians of students enrolled in programs in ~~at least~~ the same manner and with the same frequency as progress reports are sent to parents or legal guardians of other students enrolled in the school district. These~~Such~~ reports shall indicate the student's progress in the program and in the general program of instruction, and shall indicate when the student has successfully completed requirements for transition from the program into the general program of instruction. Progress reports for all students enrolled in a program under this Part shall be written in English and in the student's home language unless a student's parents or legal guardian agree in writing to waive this requirement. The parents'~~Such~~ waiver shall be kept on file in accordance with subsection (c)(3)~~(f)(3)~~ of this Section.

2) Annual Student Reports~~Report~~ − Each district must complete the Transitional Bilingual Education Annual Student Report and the Program Delivery Report provided by the State Superintendent~~Board~~ of Education, in which information on each program and each student participating in the program is compiled.

3) Records − School districts shall maintain records of each student enrolled in programs in the manner prescribed in 23 Ill. Adm. Code 375 (Student

Records). These records shall include program entry/exit information, annual English proficiency test scores and other student ~~assessment~~ information (e.g., language, ~~program entry and exit dates,~~ grade level, and attendance), the rationale for a student's placement into a part-time program, where applicable, including documentation of the factors indicating that a part-time program would be appropriate, and documentation of conferences and written communication with parents or legal guardians. Parents and legal guardians of students enrolled in programs shall have access to such records, as specified in 23 Ill. Adm. Code 375~~(Student Records)~~.

(Source: Amended at 30 Ill. Reg. 17434, effective October 23, 2006)

Section 228.50 Program Plan Approval and Reimbursement Procedures

a) Reimbursement for programs provided by school districts pursuant to the provisions of Article 14C of the School Code and this Part is contingent upon the submission and approval of a program plan and request for reimbursement in accordance with the requirements of Section 14C-12 of the School Code and this Section.

b) Program Plan Submission and Approval

1) Applications for program approval shall be submitted, on forms provided by the State Superintendent~~Board~~ of Education, at least 60 calendar days prior to the start of the proposed initial or continuing program.

2) The State Superintendent of Education will waive the requirement in subsection (b)(1) of this Section only when an application is accompanied by a statement of facts showing that the waiver will enable the district to begin serving a student or students sooner than would otherwise be the case.

3) School districts shall be granted at least 45~~60~~ calendar days to complete and submit applications to the State Superintendent~~Board~~ of Education. A district's failure to submit a completed application by the date specified on the form will delay its receipt of reimbursement pursuant to subsection (c) of this Section.

4) Applications for a Transitional Bilingual Education Program and/or a

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Transitional Program of Instruction must contain at least the following information:

A) The number of students to be served by grade or grade equivalent and language group in a full-time or part-time program.

B) A summary description of the number and types of personnel who will provide services in the program.

C) A description of the full-time and/or part-time program to be provided to the students identified pursuant to subsection (b)(4)(A) of this Section in relation to the applicable program standards set forth in Section 228.30 of this Part.

D) ~~A copy of the district's procedures for identifying students of limited English proficiency, which must be in compliance with the standards set forth in Section 228.15 of this Part.~~

~~E) Descriptions of the district's procedures and testing instruments for the annual examinations required under Section 228.25 (d) of this Part, including evidence, where applicable, that the cutoff scores used as exit criteria represent levels of English-language proficiency comparable to those represented by scores at the 50th percentile (or equivalent) on the nationally normed tests used by the district to identify eligible students.~~

~~F)~~ A budget summary containing a projection of the program expenditures (e.g., instruction, support services, administration and transportation) and offsetting revenues for the upcoming fiscal year, and a detailed budget breakdown including allowable program expenditures for which reimbursement is sought, other program expenditures, and total program costs.

E)~~G)~~ In the case of a TBE program, the~~The~~ signature of the chairperson~~president~~ of the district's Bilingual Parent Advisory Committee established pursuant to Section 14C-10 of the School Code and Section 228.30(e)(5)~~228.30 (a) (8)~~ of this Part, which shall be evidence that the~~said~~ Committee has had an opportunity to review the application.

5) Applications that~~which~~, upon review by the State Superintendent~~Board~~ of Education staff, are found to contain the information required pursuant to this Section shall be recommended for approval by the State Superintendent of Education. If the application is found to be incomplete, State Board staff will send a written notice to applicants requesting that they supply the needed information. In order to permit accurate allocation of funds for the program among eligible recipients, the State Superintendent may establish a deadline by which~~Such~~ applicants must supply the requested information~~ within 15 calendar days of their receipt of said notice~~.

6) The State Superintendent of Education will approve applications that demonstrate compliance with Article 14C of the School Code and this Part, except that the State Superintendent shall invoke subsection (b)(5) of this Section with respect to any requested information that is missing from any application submitted for approval.

c) Account of Expenditures and Reimbursement Procedures

1) An account of each district's expenditures pursuant to Article 14C of the School Code and this Part shall be maintained as required in Section 14C-12 of the School Code. Accounting procedures shall be in accordance with applicable requirements of 23 Ill. Adm. Code 110 (Program Accounting Manual).

2) The final annual report of district expenditures, which shall include the information specified in Section 14C-12 of the School Code, shall be submitted on forms provided by the State Superintendent~~Board~~ of Education no later than July 31~~10~~ of each year.

3) School districts shall submit claims for reimbursement of programs approved in accordance with this Part on forms provided by the State Superintendent~~Board~~ of Education and in accordance with ~~the timelines and procedures specified in~~ Section 14C-12 of the School Code. No State reimbursement shall be available with respect to any student served for fewer than five class periods per week.

4) In the event that funds appropriated by the General Assembly are insufficient to cover the districts' excess costs, the funds will be distributed on a pro rata basis and in accordance with the timelines specified in

Section 14C-12 of the School Code.

5) A request to amend a district's approved budget shall be submitted on forms provided by the State Superintendent~~Board~~ of Education whenever a district determines that there is a need to increase or decrease an approved line item expenditure by more than $1,000 or 20 percent, whichever is larger. A budget amendment must also be submitted for approval when a grantee proposes to use funds for allowable expenditures not identified in the approved budget.

6) Budget amendment requests will be approved if the rationale ~~required to be~~ provided for each amendment includes facts demonstrating that:

A) there is a need (e.g., a change in the number of students served or personnel needed); and

B) the altered expenditures and their related program services will be in compliance with the requirements of Article 14C of the School Code and this Part.

(Source: Amended at 30 Ill. Reg. 17434, effective October 23, 2006)

Section 228.60 Enforcement

a) Each school district's compliance with the requirements of Article 14C of the~~The~~ School Code and this Part shall be evaluated at least every three years by State Board of Education staff, who shall use the criteria set forth in Article 14C of the ~~The~~ School Code and this Part to determine compliance.

b) The recognition status of districts found to be in noncompliance with the requirements of Article 14C of the~~The~~ School Code and this Part will be evaluated in accordance with the provisions of Subpart A of 23 Ill. Adm. Code 1~~(Public Schools Evaluation, Recognition and Supervision)~~.

(Source: Amended at 30 Ill. Reg. 17434, effective October 23, 2006)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Grants for Arts Education and Foreign Language Education

2) Code Citation: 23 Ill. Adm. Code 265

3)

Section Numbers:	Adopted Action:
265.10	New Section
265.20	New Section
265.30	New Section
265.40	New Section
265.110	New Section
265.120	New Section
265.210	New Section
265.220	New Section

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rules: October 23, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 21, 2006; 30 Ill. Reg. 12513

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version:

A sentence was added to the end of Section 265.10 to identify the fields meant by the term "the arts".

The reference to matching funds was deleted from Section 265.30(c).

Section 265.110 was amplified in terms of the goals of planning grants.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

Sections 265.110(d) and 265.120(a)(2) were revised to encompass grantees' approaches to allocating district resources to the arts or foreign language in addition to securing external support.

Proposed Section 265.120(a)(1)(E) was deleted from the rules.

A nonsubstantive, technical correction was also made by agreement with JCAR.

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 94-835, which established the Arts and Foreign Language Education Grant Program. Under new Section 2-3.65a of the School Code, ISBE has entered into an interagency agreement with the Illinois Arts Council to administer a grant program whose purpose is to ensure that art and foreign language courses are available as part of a school's core curriculum.

The program will be conducted in two phases. There will be an opportunity for applicants to receive one-year planning grants for either the fine arts or foreign language and then to apply for three years of implementation funding for the initiative that was the subject of the planning grant. State support for the new or enhanced program will diminish over the three-year period, with a view toward local maintenance of the effort at the end of that time.

Each eligible applicant will be able to apply for one planning grant and one implementation grant in each of the two curricular areas. Receipt of a planning grant will, however, not be a prerequisite for implementation funding, provided that a comparable planning effort has occurred. The rules discuss the nature of the two types of grants and the allowable expenditures under each, as well as the criteria for review of the two types of proposals.

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

Dana Kinley
Curriculum and Instruction Division
Illinois State Board of Education

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

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 g: SPECIAL COURSES OF STUDY

PART 265
GRANTS FOR ARTS EDUCATION AND FOREIGN LANGUAGE EDUCATION

SUBPART A: GENERAL PROVISIONS

Section
265.10 Purpose and Applicability
265.20 Eligible Applicants
265.30 Application Procedure
265.40 Allocation of Funds

SUBPART B: PLANNING GRANTS

Section
265.110 Program Specifications
265.120 Criteria for the Review of Proposals

SUBPART C: IMPLEMENTATION GRANTS

Section
265.210 Program Specifications
265.220 Criteria for the Review of Initial Proposals

AUTHORITY: Implementing Section 2-3.65a of the School Code [105 ILCS 5/2-3.65a] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 30 Ill. Reg. 17464, effective October 23, 2006.

SUBPART A: GENERAL PROVISIONS

Section 265.10 Purpose and Applicability

This Part establishes the application procedure and criteria for selection by the State Board of Education and the Illinois Arts Council of the entities that will receive funding under the arts and foreign language education grant program established by Section 2-3.65a of the School Code

[105 ILCS 5/2-3.65a]. For purposes of this Part, "the arts" include visual arts, music, drama, and dance. An instructional program in another field shall be deemed to address the arts if it focuses on the knowledge and skills identified in the Illinois Learning Standards applicable to the arts (see 23 Ill. Adm. Code 1, Appendix D).

Section 265.20 Eligible Applicants

a) Eligible applicants shall be school districts, 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 (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) No grantee shall receive more than one planning grant for the arts and one for foreign language. No grantee other than a grantee located in a city of over 500,000 inhabitants shall receive a second planning grant until the implementation phase has been completed with respect to the initiative to which the original planning grant related (or until at least three years have elapsed since completion of the original planning grant, in the case of an applicant that was not successful in securing implementation funding).

c) No grantee shall receive more than one implementation grant for the arts and one for foreign language.

Section 265.30 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 Part, the State Superintendent of Education and the Executive Director of the Illinois Arts Council 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, whether the grant will support education in the arts or in foreign language, and the rationale for these choices.

c) The RFP shall indicate the amount or expected amount of the appropriation for the program and the expected portions to be reserved for planning and implementation grants, respectively, and shall describe 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.

d) The RFP shall include and require completion of 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 certifications and assurances as the State Superintendent and the Executive Director 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.

h) Separate applications shall be required for renewal of implementation 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; 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 265.40 Allocation of Funds

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 need to strengthen educational programs in the arts and foreign language on a statewide basis.

a) Recipients of planning grants shall be given priority consideration in the subsequent awarding of implementation grants. However, receipt of a planning grant shall not be a prerequisite to receipt of an implementation grant (see Section 265.210 of this Part).

b) It is the intention of the State Board of Education and the Illinois Arts Council to approve implementation 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 265.30(h) of this Part. Amounts awarded in the second and third years will decrease in light of the expectation for the funded programs to be sustained with local resources.

SUBPART B: PLANNING GRANTS

Section 265.110 Program Specifications

a) Planning grant funds shall be used for the purpose of developing specific plans for initiating, strengthening, or expanding instruction in the fine arts or in foreign language. The goal of each planning grant shall be to assist applicants with measuring the effectiveness of their existing arts education or foreign language program, identifying areas for improvement, and establishing a realistic timeline and budget for improving arts education or foreign language instruction throughout the district. As part of the planning process, grant recipients shall identify the necessary components of an instructional program to be added or enhanced and the human, financial, and other resources that will be necessary in order to incorporate these components into the affected schools' curriculum and sustain them when State funding is no longer available.

b) Each planning effort shall consist of a comprehensive, district-based program planning process relating to either the fine arts or foreign language. The planning process shall include not only school administrators, teachers, and other relevant staff members, but also parents, students, and community-based organizations with an interest in fostering the availability of fine arts or foreign language programming, as applicable.

c) Grant funds awarded under this Subpart B may be used to offset the costs of district staff members' time, the time of other individuals who are demonstrably involved in the planning process, and other related expenditures such as supplies

and materials, communications, travel expenses, and meeting space rental. Expenditures related to the implementation of instructional programs shall not be allowable as part of these planning grants, and no more than five percent of planning grant funds shall be used for general administrative expenses.

d) Each grantee shall be required to prepare a written plan that identifies programmatic goals and objectives developed through analysis of the district's curricular needs and that describes the grantee's approach to allocating district resources and securing other external support in order to meet those needs in a program that can be sustained over time.

e) Planning grants shall be issued for one fiscal year each and shall not be renewed.

Section 265.120 Criteria for the Review of Proposals

a) Applications for planning grants shall be evaluated in accordance with the following criteria:

1) Quality of the Plan (40 points)

A) The proposal demonstrates that the planning team includes individuals with knowledge of the curricular field, individuals with decision-making authority in the district, and individuals who can help make relevant community-based resources available to the district as an integral part of the program that will subsequently be implemented.

B) The proposal indicates a role for parents' and students' preferences in the determination of the program to be implemented.

C) The plan of work for the planning project is based on a timeframe that is reasonable when implementation of the instructional program in the subsequent year is taken into consideration.

D) The proposal acknowledges the central role of qualified staff in the relevant curricular area and includes strategies for determining how these positions will be staffed.

2) Sustainability (30 points)

The proposal identifies a plan for allocating district resources as well as securing additional resources from local organizations, businesses, and governmental agencies that will be useful to the grantee in sustaining a new or enhanced fine arts or foreign language program in the future.

3) Need (20 points)
The proposal demonstrates that the district is currently unable to offer the desired instructional program or the desired quality of instruction in the fine arts or foreign language due to issues related to finance, staffing, curricular expertise, or facilities.

4) Cost-Effectiveness (10 points)
The proposed budget is reasonable based on the scope of the planning work to be conducted and the number of individuals to be involved.

b) The rankings of all planning grant proposals will form one distribution.

SUBPART C: IMPLEMENTATION GRANTS

Section 265.210 Program Specifications

a) Implementation grant funds provided under this Subpart C shall be used for the purpose of introducing or expanding instruction in the fine arts or foreign language, as applicable, and for developing means of perpetuating the funded program with local resources after the conclusion of the grant period.

b) If an implementation grant is received after use of planning grant funds under this Part, the implementation grant funds shall be used to support the specific program to which the planning grant pertained.

c) Receipt of a planning grant shall not be a prerequisite to eligibility for implementation funding. However, each applicant not having received a planning grant under this Part shall demonstrate that a comprehensive planning process conforming to the requirements of Section 265.110(b) of this Part occurred with respect to the program for which funding is sought. Each such applicant shall present a plan as discussed in Section 265.110(d) of this Part.

d) Grant funds provided under this Subpart C shall generally be used for expenditures directly related to the delivery of the instructional program,

including salaries, professional development, curriculum planning and development, supplies and materials, and necessary technology or equipment.

1) No more than five percent of the grant funds may be used for general administrative expenses.

2) No more than 50 percent of the salaries of certified staff members involved in the program shall be paid out of funds under this grant program. Salaries of noncertificated personnel shall not be allowable.

3) At least 10 percent of the grant funds shall be used for professional development of the certified staff associated with the program, which may include the services of "teaching artists".

4) Grant funds may be expended in connection with the utilization of community resources to the extent that these directly affect the delivery of instruction or the availability of resources for the instructional program.

Section 265.220 Criteria for the Review of Initial Proposals

a) Applications for implementation grants shall be evaluated in accordance with the following criteria:

1) Quality of the Plan (40 points)

A) The proposal demonstrates that the program to be implemented is based on information derived from the planning process.

B) The proposal identifies the aspects of the program that cannot currently be implemented in the absence of grant funding and demonstrates that plans exist to ensure the availability or redeployment of resources to sustain the program with declining reliance on State funding.

C) The proposal demonstrates that appropriately certified teachers are available to deliver instruction in the program and that their specific needs are reflected in the professional development that has been chosen.

D) The proposal demonstrates that the affected students will have systematic access to relevant linguistic, artistic, or cultural resources as an integral part of their participation in the instructional program.

2) Sustainability (30 points)
The proposal presents a portfolio of available local resources for which commitments have been secured so that the program can be sustained in future years when no further State funding will be provided.

3) Need (20 points)

A) The proposal describes the status of the applicant's instructional programs in the arts or foreign languages, as applicable, and demonstrates that students' access to educational opportunities in this curricular area is limited to an undesirable degree.

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 (10 points)
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 to be served.

b) The rankings of all implementation proposals will form one distribution.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: School Food Service

2) Code Citation: 23 Ill. Adm. Code 305

3)

Section Numbers:	Adopted Action:
305.5	New Section
305.10	Amendment
305.15	Amendment
305.20	New Section
305.30	Amendment

4) Statutory Authority: 105 ILCS 125

5) Effective Date of Amendments: October 17, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 6, 2006; 30 Ill. Reg. 86

10) Has JCAR issued a Statement of Objection to these amendments? Yes

A) Statement of Objection April 28, 2006; 30 Ill. Reg. 7983

B) Agency Response September 29; 2006, 30 Ill. Reg. 15832

C) Date Agency Response Submitted for Approval to JCAR: June 26, 2006

11) Differences between proposal and final version: Due to the public comment received and the Objection and Filing Prohibition issued by the Joint Committee on Administrative Rules, the text of the proposed amendments as published in the *Illinois Register* underwent several significant revisions. The changes summarized below represent those made in the final text of the adopted amendments presented for publication and filing.

First Notice Changes in Response to Public Comment that are Adopted

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

In Section 305.5, the text for the definition of "Eligible students" was changed to eligibility for reduced price meals; a reference to the School Breakfast Program was added; and a reference to the year the federal regulations were published was added.

In Section 305.5, the definitions for "Minimally nutritious item" and "Non-program items" were removed, and definitions for "Food service area" and "Meal period" were added.

Language in Section 305.10 was clarified to more accurately state the responsibilities of public and nonpublic schools in providing free meals to students eligible under the federal meals programs.

The title of Section 305.15 was changed to "Sale of Foods and Beverages in Participating Schools".

The text proposed for 305.15 was removed and new proposed subsections (a) through (g) were added (as modified by the agency's responses to the Objection and Filing Prohibition, as summarized below).

Section 305.30(c) was clarified by noting that any food storage facility must meet the requirements found in federal regulations.

Section 305.30(e) was clarified by indicating that complaints about food-quality issues are submitted by participating schools or agencies authorized to receive government-donated commodities.

Second Notice Changes (JCAR Agreements)

In Section 305.5, the text for the definition of "Eligible students" was changed to read "free or reduced price meals" rather than "free and reduced price meals".

The publication year of the federal regulations and incorporated material was added in the "Reimbursable meal" definition; in Sections 305.10(a), (b) and (c); Section 305.15(a)(1)(F); and Section 305.30(b).

Various other nonsubstantive technical changes (e.g., punctuation, word choices) also were made throughout the rules.

Modifications in Response to Objection and Filing Prohibition

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

In Section 305.15(a)(1), the beverage standards were modified to:

- have a single set of standards for grades 8 and below, rather than one set for grades 6 through 8 and another for grades 5 and below;
- allow whole milk to be sold;
- remove references to container size; and
- change the concentration of fruit and vegetable juices in allowable drinks and smoothies from 100 percent pure juice to 50 percent or more.

In Section 305.15(a)(2) references to Appendix B to the 2005 Dietary Guidelines for Americans and snack chips were removed; low-fat yogurt was added as an allowable food; trans-fats were removed from consideration in the total fat concentration; and a single calorie maximum is used for all grade levels.

A process for requesting an exemption was added at Section 305.15(a)(3) for schools with contractual or facility problems that would prevent them from adhering to the standards in school year 2006-07.

Section 305.15(f) was added to require the State Board of Education to initiate another rulemaking that responds to any food and beverage standards recommended by the statewide School Wellness Policy Task Force.

Existing Sections 305.15(c), (d) and (e) prohibiting the sale of certain foods in grades 5 and below, while proposed for repeal, were combined and added as new Section 305.15(g).

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 rulemakings currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: In general, the existing Part 305 addresses the obligation of public schools to provide free lunches to eligible students, and establishes the State Board's requirements for public and private schools, residential child care institutions and camps (collectively, "sponsors") participating in the National School Lunch Program (NSLP).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Federal regulations governing the NSLP, as well as those pertaining to the School Breakfast Program, prohibit the sale of foods of minimal nutritional value (as defined in federal regulations) in food service areas during the service times for lunch or breakfast. In addition, the federal regulations grant broad discretion to administering state agencies to address foods not offered by the program, by directing state agencies to establish restrictions on the sale of foods not offered through the federal food programs in the food service areas and allowing state agencies to "impose additional restrictions on the sale of and income from all foods sold at any time throughout schools participating" in the federal school foods programs [7 CFR 210.11 and 7 CFR 220.12].

The changes to Part 305 establish nutrition standards for food and beverages sold to students in grades 8 and below before and during the regular school day. The nutrition standards apply to all but the foods sold as part of the federal reimbursable meal or those sold in food service areas during meal time. Commencing on the first day of the 2006-07 school year, all schools that participate in the federal National School Lunch Program or the School Breakfast Program must conform food sales to the standards as set forth in Section 305.15.

The rules also provide a process for participating schools to seek an exemption from the nutrition standards for the 2006-07 school year. This exemption process acknowledges that many participating schools may have food contracts in place that would prevent them from fully meeting the standards or have insufficient time to establish procedures necessary to ensure that students in grades 8 and below do not have access to food purchases not meeting the standards.

Part 305 also has been reorganized to better reflect specific subject areas, which are addressed in separate sections. The rules more clearly tie the requirements of Illinois' School Breakfast and Lunch Program, such as criteria for student eligibility and standards for meal reimbursement, to those already used at the federal level so that schools participating in both programs are not held to different requirements.

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

Chris Schmitt
Nutrition Programs Division
Illinois State Board of Education
100 North First Street, W-270
Springfield, Illinois 62777-0001

217/782-2491

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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 i: FOOD PROGRAMS

PART 305
SCHOOL FOOD SERVICE

Section
305.5 Definitions
305.10 Illinois Free Lunch and Breakfast Programs~~Program~~
305.15 Sale of Foods and Beverages in Participating Schools~~National Child Nutrition Program~~
305.20 Student Workers
305.30 Government-Donated Commodities~~Federal Child Nutrition Programs~~

AUTHORITY: Implementing and authorized by the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].

SOURCE: Peremptory rule adopted at 2 Ill. Reg. 45, p. 83, effective October 25, 1978; codified at 7 Ill. Reg. 14743; amended at 30 Ill. Reg. 17475, effective October 17, 2006.

Section 305.5 Definitions

"Eligible student" means a student eligible for free or reduced price meals under the School Breakfast Program (42 USC 1771 et seq.) and/or the National School Lunch Program (42 USC 1751 et seq.) in accordance with federal regulations found at 7 CFR 245.3 (2006).

"Food service area" means any area on school premises where reimbursable meals are served and/or eaten.

"Meal period" means the period of time during which breakfast or lunch is regularly served and the time scheduled for the students to eat the meal.

"Participating school" means any public or nonpublic school that participates in the School Breakfast Program or the National School Lunch Program.

"Reimbursable meal" means a meal meeting the definition of a "federal reimbursable meal", as set forth in regulations governing the School Breakfast Program (7 CFR 220.8 (2006)) or the National School Lunch Program (7 CFR 210.10 (2006)).

(Source: Added at 30 Ill. Reg. 17475, effective October 17, 2006)

Section 305.10 Illinois Free Lunch and Breakfast Programs~~Program~~

a) In accordance with Section 4 of the School Breakfast and Lunch Program Act [105 ILCS 125/4],~~Illinois H.B. 2601, passed by the 76th General Assembly, requires~~ every public school shall~~to~~ provide free lunches to ~~eligible~~ students eligible to receive free meals in accordance with 7 CFR 245.3 (2006)~~needy children. Failure to provide free lunches for needy students, as defined by annual economic guidelines, could result in withholding of reimbursement~~.

b) Every public school that offers a free breakfast program as defined in 105 ILCS 125/1 shall provide free breakfasts to students eligible to receive free meals in accordance with 7 CFR 245.3 (2006). ~~All needy children eligible for free lunches are also eligible for free breakfasts if the school participates in the breakfast program.~~

c) Public and nonpublic schools may claim State reimbursement for each reimbursable meal provided to students eligible to receive free meals in accordance with 7 CFR 245.3 (2006). ~~The complete Type A lunch with each component in the proper proportion, including one-half pint of whole milk, must be served if reimbursement is claimed for the lunch. An accurate record of all Type A lunches served without milk must be maintained.~~

d) An accurate record of the actual number of free ~~and reduced price lunches and~~ breakfasts and lunches served to children each day must be maintained.

(Source: Amended at 30 Ill. Reg. 17475, effective October 17, 2006)

Section 305.15 Sale of Foods and Beverages in Participating Schools~~National Child Nutrition Program~~

a) Commencing on the first day of the 2006-07 school year, all participating schools shall adhere to the following requirements for the sale of foods and beverages to students in grade 8 or below before school and during the regular school day.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Beverages sold to students shall include only:

A) flavored or plain whole, reduced fat (2 percent), low-fat (1 percent), or nonfat fluid milk that meets State and local standards for pasteurized fluid milk;

B) reduced fat and enriched alternative dairy beverages (i.e., rice, nut, or soy milk, or any other alternative dairy beverage approved by the U.S. Department of Agriculture (USDA));

C) fruit and vegetable drinks containing 50 percent or more fruit or vegetable juice;

D) water (non-flavored, non-sweetened, and non-carbonated);

E) fruit smoothie (yogurt or ice based) that contains less than 400 calories and no added sugars, and is made from fresh or frozen fruit or fruit drinks that contain at least 50 percent fruit juice; and

F) any beverage exempted from the USDA's list of Foods of Minimal Nutritional Value (see 7 CFR 210.11(a)(2) and 220.2(i-1) (2006)). The State Board of Education shall notify participating schools of these exemptions in January of each year; updates to the exemption list shall be provided within 10 calendar days after the State Board receives notification of any updates from USDA.

2) Food sold to students outside of food service areas or within food service areas other than during meal periods shall include only:

A) nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products; or

B) any food item whose:

i) total calories from fat do not exceed 35 percent;

ii) total calories from saturated fat do not exceed 10 percent;

iii) total amount of sugar by weight does not exceed 35

percent; and

iv) calories do not exceed 200.

3) During the 2006-07 school year only, a participating school may apply for an exemption from the requirements of this subsection (a) by submitting its request on a form prescribed by the State Board of Education. If the participating school is part of a public school district, then the school district shall submit the request.

A) A request for an exemption may be submitted for a participating school's vending machines or school stores in cases in which the participating school can demonstrate that its existing food or beverage contract does not allow the participating school to offer only foods or beverages meeting the requirements.

i) The request shall include a copy of the existing contract with the food service vendor.

ii) The State Superintendent of Education shall approve a request provided that the application and existing contract demonstrate that, under the terms of the contract, the participating school would be unable to offer only foods and beverages meeting the requirements of this subsection (a).

B) A request for an exemption may be submitted for a participating school that includes both grades 8 and below and grades 9 and above in cases in which the participating school's food service facilities do not allow the participating school to distinguish between food and beverage sales to students in grades 8 and below and to students in grades 9 and above. The State Superintendent of Education shall approve a request provided that the participating school has demonstrated that accommodations (e.g., different schedules, separate food service lines, restricted access to vending machines) cannot be implemented to distinguish between the food and beverage sales to students in grades 8 and below and to students in grades 9 and above.

b) None of the requirements of subsection (a) of this Section shall apply to any food

or beverage item sold to students as part of a reimbursable meal or to foods sold within food service areas during meal periods.

c) None of the requirements of subsection (a) of this Section shall apply to any food or beverage item sold to a student who presents a written recommendation for that food or beverage item signed by a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.

d) If a participating school serves students in both grades 8 and below and students in grades 9 and above, then the participating school shall ensure that food and beverage sales to students in grades 8 and below meet the requirements of this Section, except as otherwise provided in subsection (a)(3) of this Section.

e) All revenue from the sale of any food or beverage sold in competition with the School Breakfast Program or National School Lunch Program to students in the food service areas during the meal period shall accrue to the nonprofit school lunch program account.

f) During the month of January 2007, or immediately following the release of the report of the School Wellness Policy Task Force (should it be after January 2007), the State Board of Education shall initiate a revision to the food and beverage standards set forth in this Part that responds to the statewide nutrition standards recommended by the Task Force in accordance with Section 2-3.137 of the School Code [105 ILCS 5/2-3.137] (see P.A. 94-199).

g) Any participating schools in which classes of grades 5 and below are operating shall prohibit the sale to students of all confections, candy and potato chips during meal periods.

~~a) Lunches and breakfasts served to student workers cannot be claimed for reimbursement as free lunches served unless the student has been determined to be needy by the school's determining agent. Needy children may not work for their meals unless written permission of their parents or guardian is on file in the school district. Meals served to student workers who could otherwise afford to purchase the meals are to be recorded as "paid" and claimed only for Type A lunch reimbursement. Non-needy student workers do not need parental consent.~~

~~b) Any income derived from the sale of any food or beverage items offered in the lunchroom and dining area during the time designated as the lunch period must be deposited in the nonprofit lunch program account.~~

~~c) All elementary schools participating in the National School Lunch Program shall prohibit the sale of competitive foods to students during the time designated by local school officials as the regular breakfast and lunch periods.~~

~~d) Competitive foods include all confections, candy, potato chips, carbonated beverages, fruit drinks containing less than 50% pure fruit juice, tea, coffee, and any other foods or beverages designated as such by the State Board of Education.~~

~~e) Elementary schools shall mean all schools in which classes of the fifth grade or below are operating.~~

~~f) Local school authorities for junior and senior high schools shall establish such instructions as are desired to regulate the sale of competitive foods to students during the time period designated by local school authorities as the regular breakfast and lunch periods. However, revenue from the sale of all food and beverages provided in any dining or serving area during the designated regular breakfast and lunch periods shall accrue to the nonprofit school lunch program account.~~

~~g) Junior and senior high schools shall mean all schools in which classes of the sixth grade and above are operating.~~

~~h) Prices paid by adults for the Type A lunch are to be at least 15 cents higher than prices paid by students. This is based on the fact that no cash reimbursement is available for adult meals, nor are commodities allotted on the basis of adult meals served.~~

~~i) Proper storage facilities must be provided for government donated food commodities. Commodities may not be stored in private homes.~~

~~j) These commodities should be ordered in amounts which can be adequately stored and utilized. No more than a 90-day supply of any commodity is to be on hand in a school district or other institution.~~

~~k) Any agreement-contract to process government donated commodities between an eligible receiving agency (school district or institution) and a food supplier or management firm must be submitted for approval. These contracts must be approved by the School Food Services Section of the State Board of Education which, in turn, will submit a copy of the approved contract-agreement to the United States Department of Agriculture.~~

(Source: Amended at 30 Ill. Reg. 17475, effective October 17, 2006)

Section 305.20 Student Workers

a) In order for a student to work in the food service area, any public school or any nonpublic school participating in the National School Lunch Program shall obtain written consent from the individual who legally enrolled the student, whether it be the parent, guardian or other individual.

b) An eligible student shall not be required to work for his or her meals.

c) A lunch or breakfast served to a student worker cannot be claimed for reimbursement as a free or reduced-price meal unless the student is an eligible student.

d) A meal served to a student worker is to be recorded in the eligibility category for which the student would qualify if not working.

(Source: Added at 30 Ill. Reg. 17475, effective October 17, 2006)

Section 305.30 Government-Donated Commodities~~Federal Child Nutrition Programs~~

a) Any agreement or contract to process government-donated commodities between an eligible receiving agency (school district or institution) and a food supplier or management firm not listed on the electronic Illinois Commodity System must be submitted for approval to the Illinois State Board of Education. ~~All Child Nutrition Program sponsors, by applying to participate in the Federal School Lunch, School Breakfast, Nonfood Assistance, Special Milk, and Commodity Distribution Programs, agree to comply with the United States Department of Agriculture regulations pertaining thereto. Program sponsors and other appropriate agencies participating in these programs will be evaluated and required by the State Board of Education to comply with current regulations pertaining to these programs as issued by the United States Department of Agriculture.~~

b) Proper storage facilities must be provided for government-donated food commodities. Such storage facilities shall meet the requirements set forth in federal regulations governing the storage and use of commodities in child nutrition programs (7 CFR 250 (2006)).~~Refusal of Commodities.~~

c) Government-donated commodities shall not be stored at private residences or facilities, unless the facility is operated and designed for the storage or refrigeration of food, and the facility meets the requirements of subsection (b) of this Section.

d) Government-donated commodities shall be ordered in amounts that can be adequately stored without loss or spoilage.

e) Complaints from participating schools or agencies authorized to receive government-donated commodities about food safety and other food-quality issues concerning those commodities shall be reported to the State Board of Education on the form provided for that purpose.

~~1) A school food authority may refuse commodities at the time they are offered if such commodities cannot be used effectively in the food service program.~~

~~2) A school food authority may receive, in lieu of the refused commodities, other commodities to the extent that other commodities are available to the State during the school year. However, not more than 20 per cent of the value of commodities offered to a school food authority for lunches during the school year shall be subject to replacement with other commodities. School food authorities eligible to receive replacement commodities shall be notified on a quarterly basis of any commodities available to replace those refused.~~

~~3) The State Board of Education shall maintain accurate and complete records of the amount and value of commodities refused and shall require that school food authorities also maintain such records.~~

(Source: Amended at 30 Ill. Reg. 17475, effective October 17, 2006)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Technology Immersion Pilot Project

2) Code Citation: 23 Ill. Adm. Code 365

3)

Section Numbers:	Adopted Action:
365.10	New Section
365.20	New Section
365.30	New Section
365.40	New Section
365.50	New Section
365.60	New Section

4) Statutory Authority: 105 ILCS 5/2-3.135

5) Effective Date of Rules: October 23, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted 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: July 7, 2006; 30 Ill. Reg. 11492

10) Has JCAR issued a Statement of Objection to this rule? No

11) Differences between proposal and final version:

The title of Subchapter j was amplified to refer to "Textbooks and Equipment".

Italic type was removed from the words "at least" in Section 365.60(b).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, initially published in the July 7, 2006 *Illinois Register* at 30 Ill. Reg. 11807, effective June 26, 2006.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rules: This rulemaking responds to a line item appropriation received by ISBE in the FY 07 budget under Section 2-3.135 of the School Code (Technology Immersion Pilot Project). This is a new initiative authorized under legislation enacted in 2004 to provide for the distribution of wireless laptop computers, associated hardware and software, and professional development. This is the first appropriation made under Section 2-3.135.

The statute provides for the selection of seven school districts as recipients of support under this program and for the selection of at least nine schools within those districts. One of the districts is to be located in the City of Chicago, with three of the others located in the balance of Cook County and the "collar" counties and the other three in the remainder of the state. The criteria for choosing among eligible entities are based upon the statute's directive to consider applicants' need for the pilot program, existing problems, and capacity.

Under this program, there will be no actual disbursement of grant funds to the chosen recipients. Rather, ISBE will be purchasing and distributing the laptop computers and other technological items to the recipients and entering into contracts as needed to ensure the appropriate maintenance and support. Similarly, uniform training for teachers and administrators will be identified and paid for by ISBE.

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 j: TEXTBOOKS AND EQUIPMENT

PART 365
TECHNOLOGY IMMERSION PILOT PROJECT

Section

365.10 Purpose and Applicability
365.20 Eligible Applicants
365.30 Program Specifications
365.40 Application Procedure
365.50 Criteria for the Review of Initial Proposals
365.60 Allocation of Funds

AUTHORITY: Implementing and authorized by Section 2-3.135 of the School Code [105 ILCS 5/2-3.135].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 11807, effective June 26, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 17488, effective October 23, 2006.

Section 365.10 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 grant funds under the technology immersion pilot program established pursuant to Section 2-3.135 of the School Code [105 ILCS 5/2-3.135]. This Part also establishes the requirements that will apply to the distribution and use of the laptop computers and other resources furnished as part of this program.

Section 365.20 Eligible Applicants

a) Eligible applicants shall be school districts in which either:

1) one or more schools are in Academic Early Warning or Academic Watch status under Section 2-3.25d of the School Code [105 ILCS 5/2-3.25d]; or

2) a significant percentage of the students served have identified needs that make the use of technological devices more necessary or effective in their education than is the case for the student population as a whole.

b) For purposes of this Part, any public school operated by an agency of the State of Illinois shall be treated as a "school district".

c) 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 be eligible to apply on the same basis as school districts; see 105 ILCS 5/2-3.109a and 27A-11.5, respectively.

d) Eligibility shall be limited to entities having State-approved technology integration plans.

e) An applicant chosen for funding shall not subsequently lose eligibility due solely to improvement in the status of the schools served relative to Section 2-3.25d of the School Code.

Section 365.30 Program Specifications

a) Each project funded under this program shall be based on a plan developed by a technology immersion committee as provided in Section 2-3.135 of the School Code for the purpose of addressing one or more of the problems specified in that Section.

b) Recipients under this program shall receive a major portion of the resources necessary to implement their approved plans by means of comprehensive, technology-based learning programs. Funding under this program will be used to:

1) provide training for teachers and administrators in participating schools on the effective integration of personal laptop computers into a comprehensive, technology-based learning program;

2) furnish personal laptop computers for all teachers and students in the classrooms designated for participation and for selected administrators in the schools where those classrooms are located;

3) support the use of the laptop computers through the purchase of related hardware, software, and other technologies and through the provision of maintenance, repair, and warranty services relevant to those resources.

c) Recipients under this program may be required to upgrade their electrical or other capacity or to make other in-kind contributions as a condition of participation.

d) Each recipient under this program shall be required to develop a policy providing for:

1) students' safety when using the Internet; and

2) students' use of, responsibility for, and return of equipment and materials loaned under this program.

e) Each recipient under this program shall provide State-furnished laptop computers to administrators only to the extent that these individuals have a demonstrable role in supporting the work of the teachers whose classrooms are served or in conducting or supporting efforts aimed at alleviating the problems identified in the recipient's plan.

f) Each recipient shall compile the information necessary for purposes of the annual progress report required by Section 2-3.135(f) of the School Code.

Section 365.40 Application Procedure

a) When State funding is available for this program, 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 2-3.135(e) 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 the information they will be required to submit, including at least a description of the project and its intended outcomes, identification of the specific schools to be served, their building infrastructure, including technological and electrical capacity, the number of students involved, the grades and classrooms chosen, and the rationale for these choices.

c) The RFP shall indicate the amount or expected amount of the appropriation for the program and shall describe the integrated group of resources to be provided to

each recipient, the other types of expenditures that will be defrayed with program funds, and the basis for allocating resources. The RFP shall identify any restrictions or areas of high priority that have been established for a particular program year.

d) The RFP shall identify the data that recipients will be required to collect and report regarding the activities conducted with program funds and the results of those activities, as well as the timelines for reporting.

e) The RFP shall include such certifications and assurances as the State Superintendent may require.

f) The RFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 30 days to respond.

g) Separate applications shall be required for renewal of grant funding. Each application for renewal shall include at least a description of 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 assistance for this purpose.

h) Incomplete proposals shall not be considered.

Section 365.50 Criteria for the Review of Initial Proposals

a) Initial applications shall be evaluated in accordance with the following criteria:

1) Quality of the Plan (50 points)

A) The proposal identifies schools to be served that are experiencing teacher shortages in particular curricular areas, limited access to Advanced Placement courses, low performance on the State assessment administered pursuant to Section 2-3.64 of the School Code, or high rates of dropping out.

B) The proposal indicates how the prevalence of personal laptop computers and other technological resources can be used to mitigate the problems identified.

C) The proposal discusses specific strategies that will be used by teachers and administrators, respectively, to improve the schools' and students' outcomes with respect to the specific problems noted.

D) The proposal demonstrates that the teachers and administrators responsible for the classrooms to be served are amenable to the kinds of changes in their work that will occur if a greater reliance on technology is made possible.

E) The proposal links the plan for the use of personal computing technology to other school improvement initiatives relevant to the schools to be served.

2) Need (30 points)

A) The proposal demonstrates that the schools to be served currently have inadequate access to technological resources that can be used directly by students and teachers.

B) The proposal discusses other initiatives and strategies that have not been as effective as hoped in improving students' performance over time.

3) Evaluation Plan (20 points)
The proposal identifies how and by whom each of the data elements implicit in the reporting requirement of Section 2-3.135(f) of the School Code will be collected and how each of the applicable comparisons will be made.

b) Proposals shall be grouped according to the geographic areas delineated in Section 2-3.135(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 365.60 Allocation of Funds

a) The State Superintendent of Education shall approve initial applications and make final determinations regarding the resources 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 integrated technology on a statewide basis.

b) It is the intention of the State Board of Education to approve applications in such a way as *to serve at least 9 schools, with at least 3 from the school district located in the City of Chicago and* at least *one from each of the other school districts selected*. (Section 2-3.135(d) of the School Code)

c) It is the intention of the State Board of Education to approve projects under this Part for a three-year period. Support in 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 comprehensive technology-based learning programs.

d) A district that has received three years' support under this Part may subsequently apply as a new applicant.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Campaign Financing

2) Code Citation: 26 Ill. Adm. Code 100

3)

Section Numbers:	Adopted Action:
100.10	Amendment
100.20	Amendment
100.110	Amendment
100.130	Amendment
100.160	Amendment

4) Statutory Authority: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)]

5) Effective Date of Rulemaking: November 3, 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: 30 Ill. Reg. 11494; July 7, 2006

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version:

In the heading of the Part, "The Campaign Financing Act" was amended to read "Campaign Financing".

In Section 100.10(j), additional language was added to the new definition "Nonprofit Organization".

References to not-for-profit organizations were changed to nonprofit organization and references to the Illinois Campaign Financing Act were changed to the Election Code.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The reason for this rulemaking was to amend language in Section 100.130 that reflects recent changes in the Campaign Financing Act that affect the requirements for ongoing nonprofit organization filers. The rule currently on file with the Secretary of State does not house these recent amendatory changes. Other Sections within this Part that coincide with Section 100.130 have been included and amended in this rulemaking.

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

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/557-9939

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 100
~~THE~~ CAMPAIGN FINANCING ~~ACT~~

Section

100.10 Definitions
100.20 Official Forms
100.30 Forwarding of Documents (Repealed)
100.40 Vacancies in Office – Custody of Records
100.50 Multiple Filings by State and Local Committees
100.60 Filing Option for a Federal Political Committee
100.70 Reports of Contributions and Expenditures
100.80 Report Forms
100.90 Provision Circumvention
100.100 Proof of Identification; Application for Inspection and Copying (Repealed)
100.110 Loans by One Political Committee to Another
100.120 Receipt of Campaign Contributions
100.130 Reporting by Certain Nonprofit ~~Not-for-Profit~~ Organizations
100.140 Prohibited Contributions – State Property
100.150 Electronic Filing of Reports
100.160 Good Faith
100.170 Sponsoring Entity

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005; amended at 30 Ill. Reg. 10261, effective June 1, 2006; amended at 30 Ill. Reg. 17496, effective November 3, 2006.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

Section 100.10 Definitions

a) Anything of Value

1) Reference: This Part interprets or applies Sections 9-1.4, 9-1.5 and 9-1.12 of the Election Code [10 ILCS 5/9-1.4, 9-1.5, 9-1.12].

2) The term "anything of value", as used in Sections 9-1.4, 9-1.5 and 9-1.12 of the Election Code~~Act~~, includes all things, services or goods regardless of whether they may be valued in monetary terms according to ascertainable market value.

3) "Anything of value" which does not have an ascertainable market value may be reported by describing the thing, services or goods contributed, however nothing in this subsection (a)(3) relieves a committee or a contributor of the duty to provide as accurate an assessment of value as possible.

4) For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross purchase price of each investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held they shall be identified by name and quantity of security or instrument on each semi-annual report during the period. The value of each instrument as of the day the reporting period closes shall be included for each asset held as an investment.

5) In addition to the items expressly excluded in the Election Code~~Act~~, the term "anything of value" shall not be deemed to include:

A) Any unreimbursed payments for travel or living expenses related to travel made by an individual who volunteers services on behalf of a candidate or political committee;

B) Any news story, commentary, endorsement or editorial of any broadcasting station, newspaper, magazine or other periodical publication;

C) Any regular publication by a membership organization, labor

union or corporation to its officers, employees, members or stockholders, so long as the membership organization or corporation is not organized primarily for the purpose of influencing nomination for election, or election, of any candidate, or supporting or opposing any question or questions of public policy. However, publications of an extraordinary or special nature to support or oppose a candidate or candidates or a question or questions of public policy would constitute a campaign contribution or expenditure;

D) The occasional use of real property for the purpose of conveying information to officers, employees, members or stockholders and their families of a person or whoever as defined in Section 9-1.6 of the Election Code~~Illinois Campaign Financing Act~~ and as defined in Section 100.10(b) of this Part~~these Rules and Regulations~~, including but not limited to the use of the~~such~~ premises for the purpose of a candidate communicating directly with ~~such~~ officers, employees, members or stockholders and their families;

E) Unrealized appreciation or loss of value of investments during the period they are held.

b) Assets

1) Reference: This definition of asset interprets or applies to Section 9-5 of the Election Code.

2) An asset is an item of property, other than cash or services, of whatever kind, tangible or intangible, that has either a fair market or salvage value in excess of $150.

c) Candidate

1) Reference: This subsection (c) interprets or applies Section 9-1.3 of the Election Code.

2) "Candidate" as that term is defined in Section 9-1.3 of the Election Code~~Act~~ [10 ILCS 5/9-1.3] shall include, but not be limited to~~by way of limitation~~:

A) A person who circulates or authorizes the circulation of nominating petitions on his behalf for public office;

B) An individual who receives contributions or makes expenditures or gives consent for any other person to receive or make expenditures with a view to bringing about his nomination for election or re-election to any office;

C) Any judicial incumbent who qualifies for retention.

d) Filing

1) To constitute a "filing" as used in the Election Code~~Act~~ and this Part~~in these Rules~~, the statement~~Statement~~, report~~Report~~ or document must be in apparent and substantial conformity with the requirements of the Election Code~~Act~~. "Apparent and substantial conformity" requires that the filing contain the following:

A~~1~~) The signature of the person making the filing;

B~~2~~) Completion of all applicable sections of the report; and

C~~3~~) Attachment of all appropriate schedules.

2) Inadvertent error or omission of a de minimus nature in the completion of report, statement or document shall not be deemed to a "willful failure to file or a willful filing of false or incomplete information" pursuant to Section 9-26 of the Election Code~~Act~~.

e) Statement of Organization

1) Reference: This provision interprets Sections~~Section~~ 9-3 and 9-7.5 of the Election Code [10 ILCS 5/9-3 and 9-7.5].

2) A committee officer must, in filling out the Form D-1, use the name that~~which~~ appears on his or her birth certificate, baptismal record, voter's registration card, statement of candidacy or nominating petition, or any other name by which the officer is commonly known in the community in which the officer resides. Aliases created for the purpose of filing under Article 9 of the Election Code may not be used.

f) Person or Whoever

1) Reference: This subsection (f) interprets or applies Section 9-1.6 of the Election Code.

2) The terms "other organizations" and "groups of persons" as defined in Section 9-1.6 of the Election Code~~Act~~ shall include, but not be limited to,~~by way of limitation:~~ all ~~for-profit and not-for-profit~~ corporations,~~;~~ labor unions,~~;~~ trade associations or other such groups,~~;~~ religious organizations,~~;~~ fraternal societies,~~;~~ luncheon and dinner organizations, unless any of these groups, other than labor unions, are nonprofit organizations as defined in subsection (i) and Section 100.130.

g) Political Committee

1) Reference: This subsection (g) interprets or applies Section 9-1.9 of the Election Code.

2) A person or whoever, as defined in Section 9-1.6 of the Election Code~~the Illinois Campaign Financing Act, Section 9-1.6~~ [10 ILCS 5/9-1.6] and as defined in subsection~~Section 100.10~~ (b) ~~of this Part~~ does not qualify as a political committee pursuant to Article 9 of the Election Code~~the Illinois Campaign Financing Act~~ by simply making a contribution from his or her personal income or profits regardless of the amount of the donations.

3) If a person or whoever solicits or receives funds for political purposes or acts as a conduit for political funds, he or she would, in fact, become a political committee and have to comply with all provisions of Article 9 of the Election Code~~the Illinois Campaign Financing Act~~.

h) Signature

1) Reference: This subsection (h) interprets or applies to Sections 9-4, 9-7.5, 9-12 and 9-14 of the Election Code.

2) The term "signature" or "signed" as used in Article 9 of the Election Code, and as used in the rules and regulations implementing the Election Code, includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Section 9-28

of the Election Code.

i) "Labor Union" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

j) "Nonprofit Organization" means any organization that is organized on a nonprofit or not-for-profit basis that is on file or should be on file with the Business Service Division of the Illinois Secretary of State as required by the General Not-For-Profit Corporation Act of 1980 [805 ILCS 105], a not-for-profit corporation as defined under section 501 of the Internal Revenue Code (26 USC 501), organization as defined in section 527 of the Internal Revenue Code (26 USC 527), or organization registered with the Charitable Trust Bureau of the Attorney General's Office (see 760 ILCS 55). Nonprofit organization also applies to any organization that operates as or holds itself out as a nonprofit organization such that it would be required to register with the appropriate regulating authority, regardless if it has taken affirmative action to obtain proper recognition. Nonprofit organization also applies to any out-of-state organization meeting its state's requirements.

k) "Original Source of Money" means a contributor who makes a contribution directly to the nonprofit organization as defined in Section 9-1.4 of the Election Code.

(Source: Amended at 30 Ill. Reg. 17496, effective November 3, 2006)

Section 100.20 Official Forms

a) Reference: This Section interprets or applies Sections 9-7.5, 9-10(a) and 9-15(1) of the Election Code.

b) Political committees are required to use only the official forms or photostatic copies of official forms and appropriate schedules approved by the State Board of Elections when filing any disclosure reports, except as otherwise permitted under Section 100.80. Alternative methods of reporting are prohibited unless prior written approval has been received by the political committee from the State Board of Elections. Prior written approval will be given based on the compatibility of alternative methods with the Board's present system.

(Source: Amended at 30 Ill. Reg. 17496, effective November 3, 2006)

Section 100.110 Loans by One Political Committee to Another

a) If a political committee lends or donates funds to a second political committee while the lending or donating committees owes the State Board of Elections a civil penalty assessed under the provisions of Section 9-7.5, 9-10, 9-23, or 9-26 of the Election Code [10 ILCS 5/9-7.5, 9-10, 9-23, 9-26], the officers of the lending committee shall be jointly and severally personally liable to the extent allowed by law for payment of the civil penalty to the extent of the funds loaned or given.

b) If a political committee goes out of existence while it owes the State Board of Elections a civil penalty assessed under Section 9-7.5, 9-10, 9-23, or 9-26 of the Election Code [10 ILCS 5/9-7.5, 9-10, 9-23, 9-26], any political committee formed within 24 months from the date of the final order imposing a civil penalty assessment on the first committee and composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the first committee, shall be deemed a successor committee and shall be responsible for payment of the civil penalty of the first committee.

c) A political committee that~~which~~ seeks to go out of existence while it is owed money by another political committee must first forgive the debt of the debtor political committee and must amend its reports to show the forgiven debt as a contribution to the debtor committee.

d) If a political committee seeks to go out of existence after a civil penalty has been imposed upon it pursuant to the Election Code and the rules promulgated under the Election Code~~thereunder~~, or if a civil penalty has been assessed by Board staff and such a proceeding is begun or about to begin, the political committee must first pay the~~such~~ civil penalty, or if it lacks sufficient funds to pay the~~such~~ civil penalty in full, pay ~~over~~ to the State Board of Elections such sums as it has in its treasury in satisfaction of the civil penalty. Only upon ~~such~~ payment of the civil penalty, either in full or in part, as the case may be, shall the committee be permitted to exit the reporting system established by Article 9 of the Illinois Election Code [10 ILCS 5/Art. 9].

(Source: Amended at 30 Ill. Reg. 17496, effective November 3, 2006)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

Section 100.130 Reporting by Certain Nonprofit ~~Not-for-Profit~~ Organizations

a) A nonprofit ~~not-for-profit~~ organization ~~operating in Illinois~~ is required to submit financial reports to the State Board of Elections if it:

1) is not a labor union;

~~2) is registered under the Lobbyist Registration Act, or engages any person, whether paid or not, for lobbying purposes who is registered under the Lobbyist Registration Act;~~

2)~~3)~~ has not established a political committee; and

3)~~4)~~ accepts or spends more than $5000 in any 12-month period in~~per year~~ the aggregate ~~on both~~:

A) supporting or opposing candidates for public office or questions of public policy that are to appear on a ballot at an election; and/or

B) for electioneering communications~~influencing legislative, executive, or administrative action as defined in the Lobbyist Registration Act~~.

b) Except as provided in subsection (d), each nonprofit organization required to register under Section 9-7.5 of the Election Code [10 ILCS 5/9-7.5] shall file pre-election reports of contributions and semi-annual reports of contributions and expenditures at the same times, covering the same reporting periods and containing the same information regarding contributors and recipients of expenditures as required of political committees pursuant to Section 9-10 of the Code. Nonprofit organizations shall be subject to the same civil penalties as political committees for the delinquent filing or non-filing of the reports as set forth in Section 9-10 of the Election Code and 26 Ill. Adm. Code 125.425. Each nonprofit organization:

1) must file all required reports with the State Board of Elections;

2) is not required to report donations of more than $500 on a Schedule A-1 within the 30-day period prior to an election; and

3) shall designate a chairman and treasurer who shall constitute the principal

officers as required in Section 9-7.5(a)(3) of the Election Code.

c) Nonprofit organizations may cease filing disclosure reports with the Board if they:

1) have filed two consecutive semi-annual reports in which they have not made any contributions or expenditures that supported or opposed any candidate or referenda, or made any electioneering communications;

2) have determined they will no longer make any contributions or expenditures to support or oppose any candidate or referenda, or for electioneering communications; and

3) have submitted a letter informing the State Board of Elections that they will no longer function as a nonprofit political organization as defined in Section 9-7.5 of the Election Code.

d) To comply with the specific reporting provisions of Section 9-7.5(b) of the Election Code, nonprofit organizations may establish a separate nonprofit political committee whose exclusive function is to receive or make contributions and/or make expenditures to support or oppose candidates or questions of public policy. To facilitate this option, nonprofit organizations shall create a separate segregated fund in which contributions shall be deposited or made as defined in Section 9-1.4 of the Election Code and from which expenditures shall be dispersed as defined in Section 9-1.5 of the Election Code. If a nonprofit organization chooses this option, the disclosure of any deposits of money into the segregated fund shall report the original source of the money and not the name of the nonprofit organization.

e)~~b)~~ Reports containing the information required by statute shall be submitted on forms designed and supplied by the State Board of Elections or upon computer-generated forms conforming to those designed by the State Board of Elections. Pursuant to Section 9-28 of the Election Code, each nonprofit organization that exceeds the threshold of $10,000 must continue to report electronically until it dissolves.

(Source: Amended at 30 Ill. Reg. 17496, effective November 3, 2006)

Section 100.160 Good Faith

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

a) For purposes of this Section, "contributor" includes the terms "lender" and "endorser". A committee acts in good faith under 10 ILCS 5/9-7.5, 9-11, 9-12, 9-13, and 9-14 if:

1) its written solicitation for funds includes a clear written request for the name of the contributor's employer and the occupation of the contributor;

2) in the event it receives a contribution lacking the name of the contributor's employer and occupation of the contributor in circumstances in which the~~where such~~ information is required, it makes at least one effort to obtain the missing information; and

3) in the event its request for information is unanswered, the committee includes in its report the best and most current information it may have from whatever source, including its own records and earlier reports, about the name of the contributor's employer and the occupation of the contributor.

b) The request shall appear in a clear and conspicuous manner on any response material contained in the solicitation.

c) An effort to obtain missing information must ~~either~~ be in writing, or be made orally and~~oral~~ documented by writing~~a writing~~, and must be made on or before the close of the reporting period in which the contribution or loan was received. The request must clearly ask for the missing information and must contain no other language except thanks to the contributor or lender for the contribution or loan. If the request is in writing, it must be accompanied by a pre-addressed return postcard or envelope.

d) If the name of the employer of a contributor that is required to be reported under Article 9 of the Election Code is unknown at the time the contribution must be reported and~~,~~ a good faith effort has~~having~~ been made to secure that~~such~~ information, the contribution may be reported without the information. However, if the omitted information subsequently becomes known to the committee, the report that omits the information must be amended to add the information.

e) For the purpose of this Section, "employer" includes all natural and non-natural persons, including but not limited to corporations, partnerships and unincorporated associations.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 17496, effective November 3, 2006)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3)

Section Numbers:	Proposed Action:
1600.25	New Section
1600.100	Amendment

4) Statutory Authority: 40 ILCS 5/15-177

5) Effective Date of Amendments: October 19, 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 State Universities Retirement System principal office and are available for public inspection.

9) Notice of Proposal Published in the Illinois Register: April 7, 2006; 30 Ill. Reg. 6106

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: Grammatical changes suggested by JCAR.

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? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1600.110	Amendment	30 Ill Reg. 16917; October 27, 2006
1600.122	Amendment	30 Ill Reg. 16053; October 6, 2006

15) Summary and Purpose of Amendments: Revisions to 1600.100, the Freedom of Information Act rule, are necessary in order to outline issues that pertain specifically to

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

SURS while the Act is incorporated by reference as amended from time to time. Section 1600.25 will clarify qualifications for an effective Beneficiary Designation.

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

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

217/378-7516 or 217/378-8855

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

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

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section
1600.10 Definitions
1600.20 Dependency of Beneficiaries
1600.25 Effective Beneficiary Designations
1600.30 Crediting Interest on Employee Contributions and Other Reserves
1600.40 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50 Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.55 Election to Make Contributions Covering Periods of Military Leave
1600.60 Sick Leave Accrual Schedule
1600.70 Procedures to be followed in Medical Evaluation of Disability Claims
1600.80 Rules of Practice-Nature and Requirements of Formal Hearings
1600.90 Excess Benefit Arrangement
1600.100 Freedom of Information Act
1600.110 Open Meetings Act
1600.120 Twenty Percent Limitation on Final Rate of Earnings Increases
1600.121 Determination of Final Rate of Earnings Period
1600.122 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%
1600.123 Part-time/Concurrent Service Adjustments
1600.125 Compensation Subject to Withholding
1600.130 Procurement
1600.137 Overpayment Recovery
1600.139 Voluntary Deductions from Annuity Payments
1600.140 Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
1600.150 Definitions

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

1600.151 Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152 Curing Minor Deficiencies
1600.153 Filing a QILDRO with the System
1600.154 Modified QILDROs
1600.155 Benefits Affected by a QILDRO
1600.156 Effect of a Valid QILDRO
1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158 Alternate Payee's Address
1600.159 Electing Form of Payment
1600.160 Automatic Annual Increases
1600.161 Expiration of a QILDRO
1600.162 Reciprocal Systems QILDRO Policy Statement
1600.163 Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

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

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9991, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006.

SUBPART A: MISCELLANEOUS PROCEDURES

Section 1600.25 Effective Beneficiary Designations

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

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

a) Definitions

1) "Last written designation", for the purposes of Section 15-120 of the Illinois Pension Code and this Section, shall mean the last valid beneficiary designation on file with the System up to and including the date of death of the participant or annuitant.

2) "On file", for the purposes of Section 15-120 of the Illinois Pension Code and this Section, shall mean a beneficiary designation that has been received and date stamped by the System.

3) "Member", for the purposes of this Section, shall mean a participant or annuitant.

4) "Agent", for the purposes of this Section, shall mean a participant's or annuitant's agent expressly authorized to change beneficiaries pursuant to an effective power of attorney or guardianship.

b) Original Signature and Supporting Documentation. A beneficiary designation shall be deemed valid only if the beneficiary designation received contains an original signature of the member or an agent. Beneficiary designations containing a copy of the member's or agent's signature, whether electronic or photographic, shall be invalid. A copy of the power of attorney or a certified copy of the guardianship order expressly authorizing the change of beneficiaries must accompany a beneficiary designation executed by an agent.

c) Disputed Designations. If a dispute arises in the interpretation of the last written designation or, in the opinion of the System, the designation is ambiguous, then the contesting beneficiaries shall seek a court determination as to the designation's interpretation. If no beneficiary brings a court action within a reasonable time, then the System may seek a court determination.

(Source: Added at 30 Ill. Reg. 17509, effective October 19, 2006)

Section 1600.100 Freedom of Information Act

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

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

b) Freedom of Information Officer. The Freedom of Information Officer is the staff member at SURS responsible for responding to all requests for information on behalf of SURS as the "public body" under the Act and is also responsible for maintaining all records required to be kept under that Act and this Section. The Freedom of Information Officer shall be designated by the Executive Director. Denials issued by the Freedom of Information Officer shall be appealed to the Executive Director as the "head of the public body" under the Act.

c) Fees. Subject to a waiver or reduction of the fee if warranted under Section 6 of the Act [5 ILCS 140/6], fees may be imposed on the requester to recover costs of document production or reproduction according to the following schedule:

1) Photostatic copying of paper documents:

A) Black and white copies shall be charged at $0.05 per page;

B) Color copies shall be charged at $0.13 per page.

2) Printing of electronic documents or microfilmed/microfiched documents shall be charged at $0.05 per page.

3) Physical shipping and facsimile transmission costs shall be charged to the extent those costs are incurred. Electronic transmission via e-mail shall be provided at no charge.

d) Exemptions. Consistent with Section 7 of the Act, the following public records shall be exempt from inspection and copying: personal information that includes any personally identifying or identifiable information other than names or benefit amounts, including Social Security numbers and addresses of participants and annuitants, and names and Social Security numbers and addresses of beneficiaries.

~~a) Introduction.~~

~~1) It is the public policy of the State of Illinois, as expressed in the Freedom of Information Act [5 ILCS 40], that *all persons are entitled to full and*~~

~~*complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees. This access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments, and monitoring government to ensure that it is being conducted in the public interest.*~~

~~2)~~ ~~*The Act is not intended to be used: To violate individual privacy; for the purpose of furthering a commercial enterprise; or to disrupt the duly-undertaken work of* SURS *independent of the fulfillment of any of the rights of the people to access to information.*~~

~~3)~~ ~~*The Act is not intended to create an obligation on the part of* SURS *to maintain or prepare any public record which was not maintained or prepared by* SURS *when the Act* became *effective* (July 1, 1984), *except as otherwise required by applicable State or federal law.* [5 ILCS 140/1]~~

~~4)~~ ~~By means of this rule, SURS has established procedures to conduct its business in accordance with the Freedom of Information Act~~

~~b)~~ ~~Definitions.~~

~~1)~~ ~~"Copying" – *The reproduction of any public record by means of any photographic, electronic, mechanical, or other process, device, or means.* [5 ILCS 140/2]~~

~~2)~~ ~~"Freedom of Information Officer" – The Freedom of Information Officer is the staff member at SURS responsible for responding to all requests for information under the Freedom of Information Act and is also responsible for maintaining all records required to be kept under that Act and this Section. The Freedom of Information Officer shall be the Associate Executive Director.~~

~~3)~~ ~~"Person" – *Any individual, corporation, partnership, firm, organization, or association, acting individually or as a group.*~~

~~4)~~ ~~"Public Records" – *All records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information, and all other documentary materials, regardless of physical form or*~~

~~*characteristics, having been prepared, or having been or being used, received, processed or under the control of any public body.* Unless exempt under subsection (f), "public records" includes, but is expressly not limited to:~~

~~A) *Administrative manuals, procedural rules, and instructions to staff.*~~

~~B) *Final opinions and orders made in the adjudication of cases.*~~

~~C) *Substantive rules.*~~

~~D) *Statements and interpretations of policy which have been adopted by* SURS.~~

~~E) *Final planning policies, recommendations, and decisions.*~~

~~F) *Factual reports, inspection reports, and studies, whether prepared by or for* SURS.~~

~~G) *All information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of* SURS.~~

~~H) *The names, salaries, titles, and dates of employment of all employees and officers of* SURS.~~

~~I) *Materials containing opinions concerning the rights of the State, the public, a subdivision of State or a local government, or of any private persons.*~~

~~J) *The name of every person and the final records of voting in all proceedings of* SURS.~~

~~K) *Applications for any contract, permit, grant, or agreement.*~~

~~L) *Each report, document, study, or publication prepared by independent consultants or other independent contractors for* SURS.~~

~~M) *Information relating to any grant or contract made by or between* SURS *and another public body or private organization.* [5 ILCS~~

~~140/2]~~

~~N) All other information required by law to be made available for public inspection or copying.~~

~~c) Dissemination of information about SURS.~~
~~SURS *shall prominently display at each of its offices, make available for inspection and copying, and send through the mail, if requested, each of the following:*~~

~~1) *A brief description of itself, including but not limited to:*~~

~~A) *A short summary of its purpose.*~~

~~B) *A block diagram giving its functional subdivisions.*~~

~~C) *The total amount of its operating budget.*~~

~~D) *The number and location of all of its separate offices.*~~

~~E) *The approximate number of full and part-time employees.*~~

~~F) *The identification and membership of the* Board of Trustees and the various committees created by the Board.~~

~~2) *A brief description of the methods whereby the public may request information and public records, a directory designating by titles and addresses those employees to whom requests for public records should be directed, and any fees allowable under Section 6 of the* Freedom of Information Act. [5 ILCS 140/4]~~

~~d) List of records available from SURS.~~

~~1) SURS *shall maintain and make available for inspection and copying* a reasonably detailed and reasonably *current list of all types or categories of records under its control.*~~

~~2) SURS *shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of*~~

~~*computer language or printout format.* [5 ILCS 140/5]~~

~~e) Fees.~~

~~1) Imposition of Fee.~~

~~A) SURS *may charge fees* reasonably *calculated to reimburse its actual cost for reproducing and certifying public records.* SURS may also charge fees for *the use, by any person, of its equipment to copy records.*~~

~~B) *Such fees shall exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by State statute.*~~

~~C) *Such fees shall be imposed according to the following standard scale of fees:* photostatic copying of paper documents $.10 per page; paper copies of microfilmed/microfiched documents $.25 per page; compilation(s) of electronically stored data to be determined based on the nature of the request. [5 ILCS 140/6]~~

~~2) Waiver of Fee.~~

~~A) *Documents shall be furnished without charge or at a reduced charge, as determined by the* Freedom of Information Officer, if *the person requesting the documents states the specific purpose for the request* and *indicates that a waiver or reduction of the fee is in the public interest,* and if the Freedom of Information Officer determines that a waiver or reduction of the fee is in the public interest. *In setting the amount of a waiver or reduction,* the Freedom of Information Officer *may take into consideration the amount of materials requested and the cost of copying them.*~~

~~3) *Waiver or reduction of the fee is in the public interest if the principal purpose of the request* is not for personal or commercial benefit, but the principal purpose *is:*~~

~~A) *To access and disseminate information regarding the health, safety, and welfare of the general public;* or~~

B) To access and disseminate information regarding the *legal rights* of the general public. [5 ILCS 140/6]

f) Exemptions. The following public records shall be exempt from inspection and copying:

1) *Information specifically prohibited from disclosure by federal or State law, or by rules and regulations adopted under federal or State law. [5 ILCS 140/7(1)(a)]*

2) *Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subject of the information. This disclosure of information that bears on the public duties of the* SURS Board of Trustees and SURS employees *shall not be considered an invasion of personal privacy. Information exempted under this subsection* (f)(2) *shall include, but is not limited to:*

A) *Files and personal information maintained with respect to* participants, annuitants, and beneficiaries participating in or receiving benefits from SURS; and

B) *Personnel files and personal information maintained with respect to employees* of SURS and any applicants for positions with SURS. [5 ILCS 140/7(1)(b)]

3) *Preliminary drafts, notes, recommendations, memoranda* and *other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the* Executive Director. [5 ILCS 140/7(1)(f)]

4) *Information related solely to the internal personnel rules and practices of* SURS. [5 ILCS 140/7(1)(w)]

5) *Minutes of meetings* of the Board of Trustees of SURS and any subsidiary committees thereof *closed to the public as provided in the Open Meetings Act* [5 ILCS 120] *until the* Board of Trustees *makes the minutes available to the public under Section 2.06 of the Open Meetings Act.* [5 ILCS 140/7(1)(m)]

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

~~6) *Communications between* SURS *and an attorney or auditor representing* SURS *that would not be subject to discovery in litigation, and materials prepared or compiled by or for* SURS *in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising* SURS, *and materials prepared or compiled with respect to internal audits of* SURS. [5 ILCS 140/7(1)(n)]~~

~~7) *Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of* SURS. [5 ILCS 140/7(1)(r)]~~

~~8) *Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700/4002]. Nothing contained in this* subsection (f)(8) *shall be construed to prevent a person or business from consenting to disclosure.* [5 ILCS 140/7(1)(g)]~~

~~9) *Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with* SURS, *until an award or final selection is made. Information prepared by or for* SURS *in preparation of a bid solicitation shall be exempt until an award or final selection is made.* [5 ILCS 140/7(1)(h)]~~

~~10) *Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this* subsection (f). [5 ILCS 140/7(1)(p)]~~

~~11) *Valuable formulas, designs, drawings and research data obtained or produced by* SURS *that when disclosed could reasonably be expected to produce private gain or public loss* [5 ILCS 140/7(1)(i)].~~

~~12)~~ ~~*Documents or materials relating to collective negotiating matters between* SURS *and its employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.* [5 ILCS 140/7(1)(q)]~~

~~13)~~ ~~*Test questions, scoring keys and other examination data used to* determine *the qualifications of an applicant for employment.* [5 ILCS 140/7(1)(j)]~~

~~14)~~ ~~*Architects' plans and engineers' technical submissions for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security.* [5 ILCS 140/7(1)(k)]~~

~~15)~~ ~~*The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure* [735 ILCS 5/Art. VII], *records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.* [5 ILCS 140/7(1)(s)]~~

~~16)~~ ~~*Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.* [5 ILCS 140/7(1)(t)]~~

~~17)~~ ~~*Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss, or risk management information, records, data, advice or communications.* [5 ILCS 140/7(1)(bb)]~~

~~18)~~ ~~*Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act* [30 ILCS 535/55]. [5 ILCS 140/7(1)(ee)]~~

~~g)~~ ~~Inspection or copying of public records - Request procedures.~~

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

1) SURS *shall make available to any person for inspection or copying all public records, except as otherwise provided* in subsection (f), in accordance with this subsection (g). [5 ILCS 140/3] Such records may be obtained from the Freedom of Information Officer at the principal office of SURS.

2) *Subject to the fee provisions of* subsection (e), SURS *shall promptly provide, to any person who submits a written request, a copy of any public record required to be disclosed and shall certify such copy if so requested.* [5 ILCS 140/3]

3) SURS *shall promptly either comply with or deny a written request for public records within 7 working days after its receipt. Denial shall be by letter as provided in* subsection (i). *The failure of* SURS *to respond to a written request within 7 working days after its receipt shall be considered a denial of the request.*

4) *The time limits prescribed in* subsection (g)(3) *may be extended for not more than 7 additional working days for any of the following reasons:*

A) *the requested records are stored in whole or in part at other locations than the office having charge of the requested records;*

B) *the request requires the collection of a substantial number of specified records;*

C) *the request is couched in categorical terms and requires an extensive search for the records responsive to it;*

D) *the requested records have not been located in the course of routine search and additional efforts are being made to locate them;*

E) *the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under* subsection (f) *or should be revealed only with appropriate deletions;*

F) *the request for records cannot be complied with by* SURS *within the time limits prescribed by* subsection (g)(3) *without unduly*

~~*burdening or interfering with the operations of* SURS;~~

~~G)~~ ~~*there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.*~~

~~5)~~ ~~Additional time. *When additional time is required for any of the above reasons,* SURS *shall notify by letter the person making the written request, within the time limits specified by* subsection (g)(3)*, of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. In no instance may the delay in processing last longer than 7 working days. A failure to render a decision within 7 working days shall be considered a denial of the request.*~~

~~6)~~ ~~Categorical requests:~~

~~A)~~ ~~*Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for* SURS*, there is no way to narrow the request, and the burden on* SURS *outweighs the public interest in the information. Before invoking this exemption,* SURS *shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.*~~

~~B)~~ ~~*If* SURS *responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of* SURS*. Such a response shall be treated as a denial of the request for information.*~~

~~C)~~ ~~*Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision.* [5 ILCS 140/3]~~

~~h)~~ ~~Nonexempt materials contained in exempt records.~~
~~*If any public record that is exempt from disclosure under* subsection (f) *contains any material which is not exempt,* SURS *shall delete the information which is exempt and make the remaining information available for inspection and copying*~~

~~*in accordance with* subsection (g). [5 ILCS 140/8]~~

~~i) Denial of request for public records - Notice.~~

~~1) When the Freedom of Information Officer denies *a request for public records, it shall notify by letter the person making the request of the decision to deny such, the reasons for the denial, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of his right to appeal to the* Executive Director. *Each notice of denial of an appeal by the* Executive Director *shall inform such person of his right to judicial review.*~~

~~2) *When a request for public records is denied on the grounds that the records are exempt under* subsection (f), *the notice of denial shall specify,* by cite to the specific statutory provision of the Freedom of Information Act, *the exemption authorizing the denial.*~~

~~3) *Copies of all notices of denial shall be retained by* SURS *in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.* [5 ILCS 140/9]~~

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

~~1) *Any person denied access to inspect or copy any public record may appeal the denial by sending a written notice of the appeal to the* Executive Director. *Upon receipt of such notice the* Executive Director *shall promptly review the public record, determine whether under the provisions of this* policy *such record is open to inspection and copying, and notify the person making the appeal of such determination within 7 working days after the notice of appeal.*~~

~~2) *Any person making a request for public records shall be deemed to have exhausted his administrative remedies with respect to such request if the* Executive Director *affirms the denial or fails to act within the time limit provided in* subsection (j)(1). [5 ILCS 1401/10]~~

(Source: Amended at 30 Ill. Reg. 17509, effective October 19, 2006)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

2) Code Citation: 80 Ill. Adm. Code 1650

3)

Section Numbers:	Adopted Action:
1650.1110	Amended
1650.1111	Amended
1650.1112	Amended
1650.1113	Amended
1650.1114	Amended
1650.1115	Amended
1650.1116	Amended
1650.1117	Amended
1650.1118	Amended
1650.1119	Amended
1650.1121	Repealed
1650.1122	Amended
1650.1123	Amended
1650.1124	New Section

4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]

5) Effective Date of Amendments: October 18, 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 Teachers' Retirement System's principal office and are available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 28, 2006; 30 Ill. Reg. 12731

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Text inadvertently omitted by JCAR at pre-draft stage was added in Section 1650.1122(c) and (d) as follows: "and after the

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

System receives all information necessary to determine the actual benefit payable,". Various punctuation changes recommended by JCAR were made in the final version, also.

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 Teachers' Retirement System's administrative rules concerning Qualified Illinois Domestic Relations Orders (QILDROs) are amended to achieve compliance with Public Act 94-657, effective July 1, 2006, which amended the QILDRO law, 40 ILCS 5/1-119.

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

Cynthia Fain
Office of the General Counsel
Teachers' Retirement System
2815 West Washington
Springfield, Illinois 62794-9253

217/753-0375

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650
THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.201 Disability Benefits – Application Procedure
1650.202 Disability and Occupational Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Rates
1650.210 Claim Applications
1650.211 Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220 Reclassification of Disability Claim (Repealed)
1650.221 When Member Becomes Annuitant
1650.222 Death Out of Service
1650.230 Medical Examinations and Investigations of Claims (Repealed)
1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment
1650.250 Death Benefits
1650.260 Evidence of Age
1650.270 Reversionary Annuity – Evidence of Dependency
1650.271 Evidence of Parentage
1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280 Evidence of Marriage
1650.290 Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section
1650.301 Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310 Effective Date of Membership
1650.320 Method of Calculating Service Credits
1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330 Duplicate Service Credit
1650.335 Unreported Regular Service Credit and Earnings
1650.340 Service Credit for Leaves of Absence
1650.341 Service Credit for Involuntary Layoffs
1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346 Service Credit for Periods Away From Teaching Due to Adoption
1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351 Employer Contribution for Excess Sick Leave
1650.355 Purchase of Optional Service – Required Minimum Payment
1650.356 Payroll Deduction Program (Repealed)
1650.357 Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360 Settlement Agreements and Judgments
1650.370 Calculation of Average Salary (Renumbered)
1650.380 Definition of Actuarial Equivalent
1650.390 Independent Contractors

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

1650.391 Optional 2.2 Upgrade of Earned and Credited Service
1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section
1650.410 Return of Contributions for Duplicate or Excess Service
1650.415 Return of Optional Increase in Retirement Annuity Contributions
1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
1650.420 Interest on Deficiencies (Repealed)
1650.430 Installment Payments (Repealed)
1650.440 Small Deficiencies, Credits or Death Benefit Payments
1650.450 Definition of Salary
1650.451 Reporting of Conditional Payments
1650.460 Calculation of Average Salary
1650.470 Rollover Distributions
1650.480 Rollovers to the System
1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section
1650.505 Beneficiary (Repealed)
1650.510 Re-entry Into Service
1650.520 Suspension of Benefits
1650.530 Power of Attorney
1650.540 Conservators/Guardians
1650.550 Presumption of Death
1650.560 Benefits Payable on Death
1650.570 Survivors' Benefits
1650.571 Payment of Monthly Survivor Benefits to a Trust
1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580 Evidence of Eligibility
1650.590 Comptroller Offset

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section
1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section
1650.610 Staff Responsibility
1650.620 Right of Appeal
1650.630 Form of Written Request
1650.635 Presiding Hearing Officer – Duties and Responsibilities
1650.640 Prehearing Procedure
1650.641 Claims Hearing Committee Hearing Packet
1650.650 Hearing Procedure
1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section
1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section
1650.910 Summary and Purpose
1650.920 Definitions
1650.930 Submission of Requests
1650.940 Form and Content of FOIA Requests
1650.950 Appeal of a Denial
1650.960 Executive Director's Response to Appeal
1650.970 Response to FOIA Requests
1650.980 Inspection of Records at System Office

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

1650.990 Copies of Public Records
1650.995 Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section
1650.1000 Nomination of Candidates
1650.1001 Elections Date/Election Day – Defined
1650.1010 Petitions
1650.1020 Eligible Voters
1650.1030 Election Materials
1650.1040 Marking of Ballots
1650.1050 Return of Ballots
1650.1060 Observation of Ballot Counting
1650.1070 Certification of Ballot Counting
1650.1080 Challenges to Ballot Counting
1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
1650.1110 Definitions
1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112 Requirements for a Valid QILDRO Calculation Order~~Curing Minor Deficiencies~~
1650.1113 Required Forms~~Form~~
1650.1114 Filing a QILDRO or a Calculation Order with the System
1650.1115 Benefits Affected by a QILDRO
1650.1116 Effect of a Valid QILDRO
1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
1650.1118 Alternate Payee's Address
1650.1119 Electing Form of Payment
1650.1120 Automatic Annual Increases
1650.1121 Reciprocal Systems QILDRO Policy Statement (Repealed)
1650.1122 Providing Benefit Information for Divorce Purposes
1650.1123 Suspension and Expiration of a QILDRO
1650.1124 Income Tax Reporting

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

1650.1200 Payroll Deduction Program Guidelines
1650.1201 Employer Responsibility Under the Payroll Deduction Program Upon Execution of a Payroll Deduction Agreement
1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
1650.1203 Payroll Deduction Program – Full Time Employment Defined
1650.1204 Payroll Deduction Program – Disability Defined
1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

SUBPART O: RETIRMENT BENEFITS

Section
1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002;

amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006.

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section 1650.1110 Definitions

a) The definitions in Section 1-119(a) of the Illinois Pension Code (the "Act") [40 ILCS 5/1-119(a)] shall apply to this Subpart.

b) The phrase "death benefit" in Section 1-119(a)(2) of the Act [40 ILCS 5/1-119(a)(2)] includes:

1) A refund of any remaining accumulated contributions; ~~or~~

2) A refund payable to a deceased member's designated beneficiary because the member elected a 2.2 upgrade and dies before making the full upgrade contribution; or~~.~~

3) A survivor benefit under Section 16-141 or Section 16-142 of the Act [40 ILCS 5/16-141, 16-142] if and only if payable as a lump sum.

c) The phrase "member's refund" in Section 1-119(a)(5) of the Act [40 ILCS 5/1-119(a)(5)] does not include an "error refund" as defined in subsection (d) of this Section.

d) The phrase "error refund" as used in this Subpart includes:

1) A refund paid to a member as the result of an error in a payment to the System; or

2) A refund payable to a living member resulting from an overpayment made by a TRS-covered employer for a 2.2 upgrade.

e) The phrase "disability benefit" in Section 1-119(a)(3) of the Act [40 ILCS 5/1-

119(a)(3)] includes:

1) A disability benefit under Section 16-149 of the Act [40 ILCS 5/16-149];

2) An occupational disability benefit under Section 16-149.1 of the Act [40 ILCS 5/16-149.1]; or

3) A disability retirement annuity under Section 16-149.2 of the Act [40 ILCS 5/16-149.2].

f) The phrase "member's retirement benefit" as used in this Subpart means the total amount of the "retirement benefit" as defined in Section 1-119(a)(8) of the Act [40 ILCS 5/1-119(a)(8)] that would be payable to the member in the absence of a QILDRO.

g) The phrase "partial member's refund" as used in this Subpart includes:

1) A refund of survivor benefit contributions;

2) A partial refund of retirement contributions as provided under Section 16-152(d) of the Act [40 ILCS 5/16-152(d)]; ~~or~~

3) An upgrade contribution refund payable to a living member who has elected a 2.2 upgrade, because:

A) The member has creditable service in excess of 34 years;

B) The member is entitled to a 1% reduction in the upgrade contribution for every three full years of creditable service;

C) An actuarial calculation provides a greater benefit than an upgraded final average salary calculation; or

D) The member failed to make the full upgrade contribution in a timely fashion;~~.~~

4) A refund of contributions for excess optional service as provided in Section 1650.410(b); or

5) A refund of contributions for the Early Retirement Option under Section

16-152(e) of the Act [40 ILCS 5/16-152(e)].

h) The phrase "effective date of the QILDRO" or any similar phrase as used in this Subpart means~~:1)If the QILDRO applies to a member who is an annuitant of the System, the first day of the next month that falls at least 30 days after the valid receipt date of the QILDRO; or2)If the QILDRO applies to a member who is not an annuitant of the System,~~ the date that ~~the member begins receiving~~ a retirement benefit, ~~or receives a~~ refund, or lump-sum death benefit to which the QILDRO applies becomes payable, provided that:

1) No QILDRO will apply to a benefit or refund that becomes payable less than~~such date is at least~~ 30 days after the date the System received the QILDRO~~the valid receipt date of the QILDRO~~; and

2) If the QILDRO expresses any amount payable to the alternate payee as a percentage, the System must receive a valid QILDRO Calculation Order before the QILDRO becomes effective.

i) The phrase "valid receipt date~~ of the QILDRO~~" or any similar phrase as used in this Subpart means~~:1)~~ the~~The~~ date the System received a valid court order.~~QILDRO; or~~

~~2) The date the System received a QILDRO with curable deficiencies as provided in Section 1650.1112 that were all corrected within the cure period.~~

j) The phrase "valuation procedures established by the retirement system" in Section 503(b)(2) of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/503(b)(2)], with respect to the Teachers' Retirement System, means the benefit information provided by the System for divorce purposes in accordance with Section 1650.1122.

k) The phrase "percentage QILDRO" or any similar phrase as used in this Subpart means any portion of the QILDRO that expresses an amount payable to the alternate payee as a percentage rather than a specified dollar amount.

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006.)

Section 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

The System will accept a court order as a valid Qualified Illinois Domestic Relations Order, or "QILDRO", that meets all of the following requirements:

a) The order must be accompanied by a $50 non-refundable processing fee, by check payable to the Teachers' Retirement System.

b) If the order applies to a person who became a member of the System before July 1, 1999, the order must be accompanied by the original Consent to Issuance of QILDRO signed by the member. If the original has been filed with the court, a certified copy of the original is acceptable.

c) The order must be a certified copy of the original.

d) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such a property distribution, prior to the death of the member.

e) The order must contain the name, mailing~~residence~~ address, and Social Security number of the member.

f) The order must contain the name, mailing~~residence~~ address, and Social Security number of the alternate payee.

g) The order must identify the Teachers' Retirement System as the retirement system to which it is directed.

~~h) The order must express any amount to be paid to the alternate payee from a member's retirement benefit as a dollar amount per month.~~

~~i) The order must express any amount to be paid to the alternate payee from a refund as a dollar amount.~~

~~j) The order must not contain formulas or percentages.~~

h~~k~~) The order must apply only to benefits that are statutorily subject to QILDROs as provided in Section 1-119(b)(1) of the Act [40 ILCS 5/1-119(b)(1)].

i~~l~~) The order and, if applicable, the Consent to Issuance of QILDRO must be in the

form adopted by the System as of the valid receipt date of the order~~QILDRO~~.

j~~m~~) No language may be added to, or omitted from, the QILDRO form or the consent form adopted by the System.

k~~n~~) All required portions of the order must be filled out completely and consistently with all directions provided in the form.~~The order, if applicable to the member's retirement benefit, must designate whether the alternate payee will or will not receive automatic annual increases.~~

~~o)~~ ~~The order must not specify a termination date.~~

~~p)~~ ~~If the order applies to a member who is not an annuitant of the System, the order must not specify when the alternate payee will begin receiving payments.~~

~~q)~~ ~~If the order applies to a member who is an annuitant of the System, the order must not specify a date when the alternate payee will begin receiving payments that occurs prior to the effective date of the QILDRO.~~

l~~r~~) If a consent form is required, the names and Social Security numbers identified in the consent form must match the names and Social Security numbers identified in the order.

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006.)

Section 1650.1112 Requirements for a Valid QILDRO Calculation Order~~Curing Minor Deficiencies~~

The System will accept a court order as a valid QILDRO Calculation Order that meets all of the following requirements:

a) The order must be accompanied by a $50 non-refundable processing fee, by check payable to the Teachers' Retirement System.

b) The order must be a certified copy of the original.

c) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such a property distribution.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

d) The order must contain the name, mailing address, and Social Security number of the member.

e) The order must contain the name, mailing address, and Social Security number of the alternate payee.

f) The order must identify the Teachers' Retirement System as the retirement system to which it is directed.

g) The order must be in the form adopted by the System as of the valid receipt date of the order.

h) No language may be added to, or omitted from, the form adopted by the System.

i) All required portions of the order must be filled out completely and consistently with all directions provided in the form.

j) The order must correspond with a valid underlying QILDRO that has been filed with the System applicable to the same member, the same alternate payee, and the same benefits and refunds.

~~a) An order containing one or more of the deficiencies enumerated in subsection (b) of this Section may be corrected and resubmitted within 60 days after the date the System sends notice of the deficiency or deficiencies. Such 60-day period is referred to in this Subpart as the "cure period".~~

~~b) Only the following deficiencies may be corrected during the cure period:~~

~~1) The order is not accompanied by a $50 non-refundable processing fee, by check payable to the Teachers' Retirement System.~~

~~2) The order applies to a person who became a member of the System before July 1, 1999, and is not accompanied by the original Consent to Issuance of QILDRO signed by the member or, if the original has been filed with the court, a certified copy of the original.~~

~~3) The consent form accompanying the order is not in the form adopted by the System.~~

~~4) The order is not a certified copy of the original.~~

~~5) If a consent form is required, the names and/or Social Security numbers identified in the consent form do not match the names and/or Social Security numbers identified in the order.~~

~~6) Any other deficiency determined by the System, in its sole discretion, to be of a minor nature.~~

~~c) If the System receives an order containing one or more deficiencies identified in subsection (b) of this Section, and the order applies to a member who is an annuitant of the System, the System will hold the portion of the member's retirement benefit that would be payable to the alternate payee if the QILDRO were valid, until one of the following occurs:~~

~~1) The System determines that all deficiencies have been corrected during the cure period; or~~

~~2) The cure period expires and one or more deficiencies have not been corrected.~~

~~d) If the System determines that all deficiencies have been corrected during the cure period, the valid receipt date of the QILDRO will be the date the original order was received.~~

~~e) If the cure period expires and the System determines that one or more deficiencies have not been corrected, the order will be deemed invalid, and any amounts held during the cure period will be paid to the regular payee.~~

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006.)

Section 1650.1113 Required Forms~~Form~~

a) A QILDRO, a Consent to Issuance of QILDRO, or a Calculation Order must be in the form adopted by the System as of the valid receipt date~~ of the QILDRO~~.

b) The required forms are~~QILDRO form is~~ available on the System's web site, trs.illinois.gov, or~~from the System~~ upon request.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

c~~b~~) A QILDRO, a Consent Form, or a Calculation Order that is not in the form adopted by the System as of the receipt date is invalid.

~~c) A Consent to Issuance of QILDRO must be in the form adopted by the System as of the valid receipt date of the QILDRO. The required consent form is available from the System upon request.~~

~~d) A consent form that is not in the form adopted by the System is invalid.~~

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006.)

Section 1650.1114 Filing a QILDRO or a Calculation Order with the System

a) A QILDRO or a Calculation Order must be sent to the System's General Counsel's Office, each accompanied by ~~the consent form, if applicable, and~~ the $50 non-refundable processing fee.

b) A QILDRO or a Calculation Order will be deemed received by the System on the date that it is received in the System's General Counsel's Office.

c) Within 45~~30~~ calendar days after receipt ~~of a QILDRO~~, the System will review the order and notify the member and each alternate payee by first class mail that it has received the order, and whether the order is a valid QILDRO or Calculation Order. If the System determines that the order is not ~~a~~ valid ~~QILDRO~~, the notice will specify the reason or reasons.

d) A QILDRO or a Calculation Order that has been amended by the issuing court must be submitted in the same manner as the original order~~QILDRO~~. A separate $50 non-refundable processing fee is required for each new or amended order~~QILDRO~~.

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006)

Section 1650.1115 Benefits Affected by a QILDRO

a) A QILDRO may apply only to the following benefits administered by the System:

1) A monthly retirement benefit;

2) A single sum retirement benefit;

3) A termination refund; ~~or~~

4) A partial member's refund; or~~.~~

5) A return of accumulated contributions payable to a member's designated beneficiary upon death; or

6) A survivor benefit, if and only if payable as a lump sum.

b) If a QILDRO applies to any partial member's refund that becomes payable, the aggregate amount paid to the alternate payee from all partial member's refunds shall not exceed the ~~dollar~~ amount specified in the QILDRO.

c) A QILDRO shall not apply to any of the following:

~~1) A death benefit;~~

1~~2~~) A monthly survivor benefit;

2~~3~~) A disability benefit;

3~~4~~) An occupational disability benefit;

4~~5~~) A disability retirement annuity;

5~~6~~) A Teachers' Retirement Insurance Program ("TRIP") benefit or any other health insurance benefit; or

6~~7~~) An error refund.

d) If a benefit or refund subject to a QILDRO is also subject to tax lien or withholding order, the System will deduct the amount due pursuant to the tax lien or withholding order prior to deducting the amount due pursuant to the QILDRO, until the System receives different instructions from the court that issued the QILDRO. It is the member's or alternate payee's responsibility to obtain clarification from the court if the QILDRO should take priority ahead of a competing tax lien or withholding order.

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Section 1650.1116 Effect of a Valid QILDRO

a) ~~After the System has determined that a QILDRO is valid, one of the following will occur: 1)~~ If the QILDRO applies to a member who is not an annuitant of the System, the QILDRO will be placed in the member's file and will not be implemented until an affected benefit or refund ~~and will be implemented on the date that the member begins receiving retirement benefits or receives a refund~~ to which the QILDRO applies becomes payable.~~,~~ ~~provided that such date is at least 30 days after the valid receipt date of the QILDRO; or~~

b~~2~~) If the QILDRO applies to a member who is an annuitant of the System, payment to the alternate payee will begin with the first benefit or refund~~payment due the member~~ to which the QILDRO applies that falls at least 30 days after the valid receipt date of the QILDRO.

c) If the QILDRO expresses any amount payable to the alternate payee as a percentage, the System cannot pay the alternate payee such amount until the System receives a valid Calculation Order corresponding to the underlying QILDRO.

1) When a retirement benefit subject to a percentage QILDRO on file with the System becomes payable and the System has not received a valid Calculation Order, the System will determine an anticipated payment to the alternate payee based on information in the QILDRO, if it is possible to do so. The System will hold the alternate payee's anticipated payment and begin paying the member's retirement benefit, less the amount held for the alternate payee, until the System receives a valid Calculation Order.

2) When a refund or lump-sum death benefit subject to a percentage QILDRO on file with the System becomes payable and the System has not received a valid Calculation Order, the System will hold the refund or lump-sum death benefit until the System receives a valid Calculation Order.

3) Once the System receives a Calculation Order, the System will adjust the amounts payable in accordance with the Calculation Order and begin paying the alternate payee.

4) If it is not possible for the System to determine an anticipated payment based only on the QILDRO, then neither the member nor the alternate payee will be paid until the System receives a valid Calculation Order.

d~~b~~) If a refund application is pending when the System receives a valid QILDRO that purports to apply to the refund but the refund payment has not yet been vouchered, the System will hold the portion of the refund that would be payable to the alternate payee until it receives clarification from the court as to whether the QILDRO applies to that pending refund. It is the member's or alternate payee's responsibility to obtain such clarification from the court and to notify the System of the court's clarification.

e~~c~~) If a refund payment has already been vouchered when the System receives a QILDRO that purports to apply to the refund, the QILDRO shall not apply to that refund.

f~~d~~) "Vouchered" as used in this Section means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006)

Section 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999

a) A QILDRO that applies to a person who became a member of the System prior to July 1, 1999 must be accompanied by the original Consent to Issuance of QILDRO signed by the member. If the original has been filed with the court, a certified copy of the original is acceptable.

b) The Consent to Issuance of QILDRO must be in the form adopted by the System as of the valid receipt date of the QILDRO. The required consent form is available from the System on the System's web site, trs.illinois.gov, or upon request. A consent form that is not in the form adopted by the System is invalid.

c) In accordance with Section 1-119(m)(1) of the Act [40 ILCS 5/1-119(m)(1)], a consent form must be signed by the member to whom the QILDRO applies. A consent form signed by a judge or any person other than the member is invalid. In the event of a dispute regarding the validity of a member's consent to issuance of a QILDRO, the System may, in its sole discretion, require a consent form bearing the member's notarized signature.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006)

Section 1650.1118 Alternate Payee's Address

a) An alternate payee is responsible to report to the System in writing of each change in his or her name and mailing~~residence~~ address.

b) When a member's retirement benefit, lump-sum death benefit, or refund subject to a QILDRO becomes payable, the System will send notice to the last address of the alternate payee reported to the System that the benefit or refund is payable. Other than sending such notice, the System shall have no duty to take any other action to locate an alternate payee.

c) The 180-day period during which the System will hold the retirement benefit, lump-sum death benefit, or refund as provided in Section 1-119(e)(2) of the Act [40 ILCS 5/1-119(e)(2)] begins on the date that the notice described in subsection (b) of this Section is sent to the last address of the alternate payee reported to the System, or on the date that the retirement benefit, lump-sum death benefit, or refund becomes payable, whichever is later.

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006)

Section 1650.1119 Electing Form of Payment

a) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/20] is not a prohibited election under Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)].

b) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Act. However, a member's election to roll over a refund payment does not affect the alternate payee's right to payment of the amount designated in the QILDRO.

c) A member's election of a form of payment of annuity that reduces the member's total benefit, while still allowing full payment to the alternate payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the Act.

d) A member's failure to elect a 2.2 upgrade, or failure to make all upgrade

contributions in a timely fashion, is not a prohibited election under Section 1-119(j)(1) of the Act.

e) The System may, in its sole discretion, hold a proposed election until clarification is obtained from a court of competent jurisdiction as to whether the proposed election is a prohibited election under Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)]. It shall be the duty of the member or alternate payee to obtain such clarification upon request of the System.

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006)

Section 1650.1121 Reciprocal Systems QILDRO Policy Statement (Repealed)

~~It is the policy of the System to administer QILDROs consistent with the Policy Statement of the Association of Retirement Systems on Qualified Illinois Domestic Relations Orders (the "Reciprocal Systems QILDRO Policy Statement", dated June 1999 and available from the System by request). To the extent that there is any conflict between this Subpart and the Reciprocal Systems QILDRO Policy Statement, this Subpart shall control.~~

(Source: Repealed at 30 Ill. Reg. 17525, effective October 18, 2006)

Section 1650.1122 Providing Benefit Information for Divorce Purposes

a) Within 45 days after receiving a subpoena or request from a member, the System will provide a statement for divorce purposes regarding the value of a member's retirement benefit through June 30 of the last completed school year for which data are on file with the System. If requested, the System will also provide the TRS Member Guide, the TRS QILDRO publication, and this Subpart.

b) Within 45 days after receiving a percentage QILDRO, if the System receives the percentage QILDRO before the member has commenced receiving retirement benefits, the System will provide a statement including the following information:

1) School year of initial membership in the System;

2) Amount of permissive and regular service credit;

3) Non-reduced monthly retirement benefit estimate;

4) Earliest date when non-reduced monthly retirement benefit will become payable;

5) Permissive service credit purchased;

6) 2.2 upgrade information;

7) Refund upon termination of employment;

8) Survivor benefit contribution refund;

9) Lump-sum death benefit amount;

10) Whether the member has filed a retirement application; and

11) Intended retirement date, if the member has filed a retirement application.

c) Within 45 days after receiving a percentage QILDRO, and after the System receives all information necessary to determine the actual benefit payable, if the System receives the percentage QILDRO after the member has applied for or commenced receiving retirement benefits, the System will provide a statement including the following information:

1) Effective date of retirement;

2) Date retirement benefits commenced (or will commence);

3) Amount of permissive and regular service credit;

4) Actual monthly retirement benefit;

5) Survivor benefit contribution refund;

6) 2.2 upgrade refund; and

7) Lump-sum death benefit amount.

d) Within 45 days after the effective date of retirement of a member subject to a valid QILDRO on file with the System, and after the System receives all information

necessary to determine the actual benefit payable, the System shall provide a statement including the following information:

1) Effective date of retirement;

2) Date retirement benefits commenced (or will commence);

3) Amount of permissive and regular service credit;

4) Actual monthly retirement benefit;

5) Survivor benefit contribution refund;

6) 2.2 upgrade refund;

7) Lump-sum death benefit amount; and

8) If the QILDRO expresses any amount payable to the alternate payee as a percentage and the System has not received a Calculation Order for that QILDRO, the notice will specify that the System must receive a valid Calculation Order before the System can implement the QILDRO.

e) Within 45 days after receiving notice of the death of a member, if lump-sum death benefits are subject to a valid QILDRO on file with the System, the System shall provide a statement indicating the lump-sum death benefit amount.

f~~b~~) Information provided by the System for divorce purposes does not include the value of a member's retirement benefit accrued during a school year for which data are not yet on file with the System.

g~~c~~) Information provided by the System for divorce purposes does not reflect an actuarial opinion as to the present values of a member's retirement benefit, refund, or other interests.

h~~d~~) Information provided by the System for divorce purposes reflects the member's total service career for which service credit in the System has accrued, does not include reciprocal service accrued with another retirement system, and is not isolated as to the marital period only.

i~~e~~) The System does not calculate the amount of a member's retirement benefit or

refund that would be payable to a former spouse pursuant to a divorce decree or dissolution judgment.

j~~f~~) While the System makes every effort to provide accurate information for divorce purposes, benefit estimates are by their nature approximate and subject to revision due to errors, omissions, erroneous assumptions, or future changes in the rules and laws governing the System.

k~~g~~) In accordance with Section 1650.160 of this Part pertaining to the confidentiality of member records, the System does not disclose information for divorce purposes to spouses, former spouses, relatives, or other third parties, including the member's attorney, except in response to the member's written authorization to release such information, ~~or~~ in response to a subpoena, or as provided in this Section 1650.1122.

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006)

Section 1650.1123 Suspension and Expiration of a QILDRO

a) If a member who is an annuitant of the System subject to a valid QILDRO re-enters active TRS membership, payments to the alternate payee will be suspended for the same period of time that the member's retirement benefits are suspended. Resumption of the alternate payee's payments will be subject to the same limitations that apply to resumption of the member's benefits.

b) A QILDRO expires:

1) Upon the death of the alternate payee, in which case the right to receive the affected benefit or refund will revert to the member or the member's designated beneficiaries.

2) Upon the death of the member and payment of all amounts subject to the QILDRO.

3) When the member takes a refund that terminates his or her membership in the System, even if the member's refund is paid to an alternate payee. A QILDRO that expires because the member took a refund is not revived by the member's subsequent return to membership in the System.

4) In accordance with the provisions of a valid court order terminating the QILDRO.

5) After payment of all amounts provided in the QILDRO.

(Source: Amended at 30 Ill. Reg. 17525, effective October 18, 2006)

Section 1650.1124 Income Tax Reporting

For tax reporting of income received pursuant to a QILDRO, if the alternate payee is the annuitant's spouse or former spouse, the System will report income to the recipient and the exclusion ratio will be allocated pro rata between the annuitant and the alternate payee. However, if the alternate payee is the annuitant's child or other dependent, the System will report income received by the child or other dependent to the annuitant and the exclusion ratio will be allocated to the annuitant.

(Source: Added at 30 Ill. Reg. 17525, effective October 18, 2006)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Tourism Attraction Signing Program

2) Code Citation: 92 Ill. Adm. Code 543

3)

Section Numbers:	Adopted Action:
543.100	New Section
543.200	New Section
543.300	New Section
543.400	New Section
543.500	New Section
543.600	New Section
543.700	New Section

4) Statutory Authority: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505]

5) Effective Date of Rulemaking: October 23, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's Division of Highways and Office of Chief Counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 14, 2006; 30 Ill. Reg. 12068

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Various nonsubstantive grammatical changes were made throughout the Part. Additionally, the following changes were made in agreement with JCAR:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

At Section 543.600(c), the Department deleted the following sentence from the subsection: "Supplemental messages may be omitted on ramp and trailblazer signs if the tourism attraction desires."

At Section 543.700(a)(3), after "signs" the Department deleted "the application".

At Section 543.700(b)(2), the Department made several language changes throughout this subsection.

At Section 543.700(b)(3), the Department made several language changes throughout this subsection.

Finally, Section 543.400(c)(2) was revised pursuant to public comment.

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 proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: In the 2000 edition of the national Manual on Uniform Traffic Control Devices (MUTCD), the Federal Highway Administration added an attraction category to Chapter 2F on Specific Service Signs. The Department of Commerce and Economic Opportunity (DCEO), formerly known as the Department of Commerce and Community Affairs, contacted the Department asking the Department to adopt rules to implement the attraction category program in Illinois. The Department agreed. Therefore, by this Notice, the Department has adopted the requirements for participation in the Tourism Attraction Signing Program (the program). Signing for the program will be similar to that of the business logo signs (see 92 Ill. Adm. Code 542) for gas, food, lodging, camping, and 24-hour pharmacies that are currently installed on interstate highways. The program will include signing for attractions such as wineries, amusement parks, arenas/auditoriums/convention centers, fairgrounds, museums, nature preserves, auto/horse race tracks, stadiums, state/national parks, and state historic sites.

The program will be administered jointly by the Department and DCEO. DCEO will administer the portion of the program that prescribes the qualifying criteria for the tourism attractions and the Department will control the installation of the signs and set the fees. While the Department will install the signs, the decision as to what attractions are approved for participation will be made by the DCEO.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

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

Mr. Joseph S. Hill, Chief, Bureau of Operations
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764

217/782-7231

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

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

PART 543
TOURISM ATTRACTION SIGNING PROGRAM

Section
543.100 Introduction
543.200 Definitions
543.300 Criteria for Tourism Attraction Panels
543.400 Criteria for Tourism Attraction Signs
543.500 Criteria for RV-friendly Symbol Signs
543.600 Panel and Sign Design
543.700 Application, Fees, and Other Regulations

AUTHORITY: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505].

SOURCE: Adopted at 30 Ill. Reg. 17550, effective October 23, 2006.

Section 543.100 Introduction

a) This Part has been developed to regulate the use of tourism attraction signs displayed along various freeways. It establishes standards, specifications, and financial responsibility for a program of placing tourism attraction signs on tourism attraction panels. The displayed signs will provide motorists with travel related directional information to facilities of interest to tourists.

b) This program applies to freeways within the State of Illinois that are under the jurisdiction of the Illinois Department of Transportation (the Department).

Section 543.200 Definitions

The following words or phrases, when used in this Part, shall have the meanings ascribed to them in this Section.

"Ahead" or "In advance of" – a sign is ahead or in advance of another when it is at a greater distance than the other from the crossroad being signed.

"Billing Cycle" – billing beginning July 1 and ending the following June 30.

"Business Logo Sign" – a sign conforming to the Department's rule titled Business Logo Signing Program, 92 Ill. Adm. Code 542, advising motorists of services such as gas, food, lodging, camping and 24-hour pharmacy services.

"Crossroad" – a public road intersecting the freeway for which an interchange is provided.

"DCEO" – the Illinois Department of Commerce and Economic Opportunity, acting through its Bureau of Tourism, with central offices located at 620 East Adams Street, Springfield, Illinois 62701.

"Department" – the Illinois Department of Transportation, with central offices located at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

"Entrance or Exit Ramps" – lanes entering or leaving the main traveled way of a freeway. These lanes provide access between the freeway and the crossroad at an interchange.

"Fiscal Year" – a year beginning July 1 and ending the following June 30.

"Freeway" – a divided highway for through traffic, other than one under the jurisdiction of the Illinois State Toll Highway Authority, with full control of access and grade separations at all crossroads.

"IDNR" – the Illinois Department of Natural Resources, with central offices located at One Natural Resource Way, Springfield, Illinois 62702-1271.

"IHPA" – the Illinois Historic Preservation Agency, with central offices located at 500 East Madison Street, Springfield, Illinois 62701.

"Interchange" – a system of interconnecting ramps providing for the movement of traffic between two roadways on different levels.

"Marketing Plan" – a plan supplied by a tourism attraction that explains how and where the attraction is being marketed or advertised outside a 50 mile radius of the interchange.

"Official Sign" – a sign that is defined as an official sign in the Department's rule titled Control of Outdoor Advertising Adjacent to Primary and Interstate Highways, 92 Ill. Adm. Code 522, and that is erected and maintained by the Department along a freeway. For purposes of this Part, official signs do not include business logo signs.

"RV-friendly Symbol Sign" – a symbol sign advising that a tourism attraction can accommodate the movement and parking of recreational vehicles (RVs).

"Supplemental Distance Sign" – a sign identifying the mileage to an attraction that is mounted on the posts of an exit ramp panel or trailblazer panel.

"Tourism Attraction" or "Attraction" – an open facility having the primary purpose of providing amusement and/or historical, cultural, or leisure activities to the public.

"Tourism Attraction Panel" – a rectangular panel, displaying the word ATTRACTION and directional information, on which a tourism attraction sign is mounted. A panel along the freeway is referred to as a "freeway panel" and a panel along the exit ramp or crossroad is referred to as an "exit ramp panel".

"Tourism Attraction Sign" – a rectangular sign consisting of a tourism attraction name, trademark, brand, symbol, or a combination thereof, that is displayed on a tourism attraction panel or, together with an arrow panel, as a trailblazer sign.

"Trailblazer Sign" – a tourism attraction sign displayed, together with an arrow panel, off the freeway system to advise motorists where to turn en route to an attraction.

Section 543.300 Criteria for Tourism Attraction Panels

a) Number and Order of Freeway Panels

1) One tourism attraction panel will be erected within the right-of-way of a freeway for each direction of travel in advance of an interchange after receipt of the tourism attraction signs by the Department.

2) Tourism attraction panels will not be erected in advance of any exit-only freeway interchange where motorists cannot easily reenter the freeway and continue in the same direction of travel.

3) Tourism attraction panels will not be erected in advance of any freeway interchange where there are four business logo panels in place except where they can be combined as allowed in Section 543.500(a)(2).

4) Signing for a qualifying tourism attraction will only be allowed at a given interchange where the attraction can be reached without crossing another freeway.

5) All tourism attraction panels will be ground-mounted.

b) Location of Freeway Panels

1) Each tourism attraction panel along the freeway shall be installed at least 800 feet from other signs and/or the beginning of an exit ramp taper.

2) Tourism attraction panels shall not be erected in advance of exit ramps to a previous interchange.

c) Exit Ramp Panels at Single-Exit Interchanges

1) The Department will install exit ramp panels along exit ramps at single-exit interchanges in accordance with subsection (c)(2) of this Section.

2) A tourism attraction that is displayed on a freeway panel shall also be required to be displayed on the exit ramp panel at a single-exit interchange. Only tourism attractions having signs displayed on freeway panels will have signs displayed on exit ramp panels.

3) The Department will install a supplemental distance sign below the tourism attraction sign for any tourism attraction over one mile from the exit ramp at single-exit interchanges in Cook, DuPage and Lake Counties, and over two miles in other counties. Whenever the Department installs a supplemental distance sign on an exit ramp panel, it will also install a supplemental distance sign below the tourism attraction sign of any other tourism attraction that is ½ mile or more from the ramp. The

supplemental sign will indicate the distance to the tourism attraction in half-mile increments for distances up to two miles and in one-mile increments for distances over two miles.

d) Exit Ramp Panels at Double-Exit Interchanges

1) The Department will install an exit ramp panel with a tourism attraction sign for any tourism attraction over one mile from the exit ramp at double-exit interchanges in Cook, DuPage and Lake Counties and over two miles in other counties. Whenever the Department installs a tourism attraction sign on an exit ramp panel, it will also install a supplemental distance sign below the tourism attraction sign for any other tourism attraction located ½ mile or more from the ramp. The supplemental sign will indicate the distance to the tourism attraction in half-mile increments for distances up to two miles and in one-mile increments for distances over two miles.

2) Any tourism attraction that is displayed on a freeway panel shall also be required to be displayed on an exit ramp panel at a double exit interchange, where an attraction exit ramp panel exists. Only tourism attractions having signs displayed on freeway panels will have signs displayed on exit ramp panels. Exit ramp panels will be located on the exit ramp, or on the crossroad just off the exit ramp of double-exit interchanges.

Section 543.400 Criteria for Tourism Attraction Signs

a) Attraction Categories
In order to be considered for tourism attraction signs, the attraction must fall under one of the categories listed in subsection (a)(1)-(a)(14) of this Section. Additionally, the attraction, except as otherwise provided, must have adequate legal parking; must be open to the public a minimum of 100 days per year; must have drinking water and Americans with Disabilities Act compliant restroom facilities at or near the site; and must have minimum annual attendance consistent with the categories listed as follows.

1) Amusement Park/Fairgrounds/Recreational and Entertainment Complex: A park, fairground, or recreational and entertainment complex that supplies refreshments and multiple activities of entertainment and recreation, with a minimum annual attendance of 50,000.

2) Antique Shopping Areas: A group of 40 vendors or 30,000 square feet of space that specializes in the sale of antique items.

3) Arena/Performance Center: A stadium, sports complex, auditorium, civic center, racetrack, convention center or cultural center, with a minimum annual attendance of 50,000.

4) Botanical/Zoological Facility: A collection of unique living plants/animals that are kept and exhibited to the public, with a minimum annual attendance of 25,000. Zoos shall be members of, or accredited by, the American Zoo and Aquarium Association or other similar organization.

5) Entertainment/Dining/Shopping District: An area concentrated within a half-mile radius offering a variety of entertainment, dining and shopping venues.

6) Gambling/Wagering Facility: An off-track wagering facility or a riverboat casino authorized and regulated by the State of Illinois.

7) Golf Course: An area of land laid out for golf with a minimum of 9 holes, each including tee, fairway, and putting green, and often one or more natural or artificial hazards and open to the public, with a minimum annual attendance of 15,000. Miniature golf courses, driving ranges, chip-and-putt courses and indoor golf courses are not eligible to participate in the program.

8) Historic Shopping District: A shopping district with a minimum of seven stores in restored structures that is marketed as a historic shopping district or area.

9) Historic Site: A structure, district, or landmark listed by the IHPA as being of historical significance, with an annual minimum attendance of 5,000. State sites maintained by the IHPA, the IDNR, and the Department are exempt from the requirements of this Part. Sites promoting the same historic event or person should be combined as one logo on a sign (i.e., Lincoln Sites, Frank Lloyd Wright Sites).

10) Museum: An organized and permanent institution, with professional staff, in which works of artistic, historical or scientific value are cared for and

exhibited to the public, with a minimum annual attendance of 15,000. Museums shall be members of, or accredited by, the American Association of Museums, the Illinois Association of Museums, the Association of Midwest Museums, or some other similar organization.

11) Orchard: An established area or facility where consumers can purchase or pick fresh Illinois food products directly from Illinois producers, with a minimum annual attendance of 5,000. The facility shall include a general store.

12) River Excursion: A non-gaming riverboat sightseeing excursion, with a minimum annual attendance of 5,000.

13) Shopping Center: A group of stores arranged in one or more buildings with the stores in any one building separated by floor to ceiling partitions and having, in Cook, DuPage and Lake Counties, a minimum of 150 stores and, in all other counties, a minimum of 45 stores.

14) State or National Park/Forest/Wild Life Area: An area designated by a unit of government that provides activities such as fishing, picnicking, hiking, swimming, boating, and sporting events, with a minimum annual attendance of 15,000.

15) Winery: A facility, open to the public with regularly scheduled hours, that offers tours, tasting and sales of wine bottled on the premises and that provides an educational format of informing visitors about wine and wine processing, with a minimum annual attendance of 5,000.

b) Distance to Tourism Attraction

1) A tourism attraction must be within five road miles of a freeway interchange in Cook County, within ten road miles in DuPage and Lake Counties, and within 30 road miles in all other counties.

2) The distance to each tourism attraction will be measured as the travel distance between the end of the appropriate exit ramp and the tourism attraction. The distance to a tourism attraction on a crossroad will be measured along the centerline of the crossroad from the end of the appropriate exit ramp to the center of the primary entrance to the tourism attraction. Where the tourism attraction is located along an intersecting

road, the distance will be measured along the centerline of the crossroad to the centerline of the intersecting road and then measured along the centerline of the intersecting road to the center of the primary entrance to the tourism attraction. Where an entrance serves more than one tourism attraction, the driving distance using the properly marked driving aisles from the entrance to the parking space available for patrons nearest the tourism attraction will be added to the distance measured along the crossroad or intersecting road.

3) If a tourism attraction meets the criteria at more than one interchange on a given freeway, signing will be allowed only from the interchange providing the most direct and best route in each direction. In determining the most direct and best route, the Department will consider all relevant conditions, including the directness of the route, congestion of the route, speed of travel, length of travel, and ease of locating the tourism attraction.

c) Tourism Attraction Signing Priorities

1) Where there may be more tourism attractions eligible for and desiring signing than the number of signs permitted on a specific tourism attraction panel, the following point criteria will be used in determining priority for signing. When two or more tourism attractions score identical points, the priority will be based on the distance to the interchange with a closer tourism attraction having priority over a farther tourism attraction. When the Department cannot determine which tourism attraction is closest to the appropriate exit ramp, priority for the available space will be determined by lottery, coin toss, or any other fair and impartial method determined by the Department. The affected tourism attraction will be allowed to witness such action. Because each exit at an interchange is treated separately, a tourism attraction may be eligible to sign from only one direction of travel along a freeway.

Annual Attendance:

Less than 50,000 persons	10 points
50,000 to 149,999 persons	20 points
150,000 to 249,999 persons	30 points

250,000 persons or more	35 points
Days/Hours of Operation:	
Open a minimum of 100 hours per year	5 points
Open a minimum of 3 days per week, 7 hours per day for less than 6 months per year but for a total of more than 400 hours per year	10 points
Open a minimum of 5 days per week, 7 hours per day for more than 6 months of the year	20 points
Open year-round, except major holidays, a minimum of 7 hours per day	30 points
Distance from interchange: (Except Cook, DuPage and Lake Counties)	
25.1 to 30 miles	5 points
20.1 to 25 miles	10 points
15.1 to 20 miles	15 points
10.1 to 15 miles	20 points
5.1 to 10 miles	23 points
5 miles or less	25 points
Distance from interchange:	

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

(DuPage and Lake Counties Only)

9.1 to 10 miles	5 points
7.1 to 9.0 miles	10 points
5.1 to 7.0 miles	15 points
1.1 to 5.0 miles	20 points
1 mile or less	25 points

Distance from interchange:
(Cook County Only)

4.1 to 5 miles	10 points
3.1 to 4 miles	15 points
1.1 to 3.0 miles	20 points
1 mile or less	25 points

Marketing Plan:

Attractions not demonstrating any advertising efforts outside a 50 mile radius of the interchange	0 points
Attractions that advertise outside a 50 mile radius of the interchange on a limited basis with fewer than five advertisement placements per year	5 points
Attractions that advertise on a regular basis to markets outside a 50 mile radius of the	10 points

interchange and/or conduct
public relations efforts to
generate visits from persons
outside that area

2) An attraction will be guaranteed participation in the program for a minimum of three years from the date of first billing of the annual rental fees for the attraction provided it continues to meet the requirements of this Section and is not in arrears in its payments. Following the first three year period, signs for the attraction with the lowest priority on a panel may be removed at the beginning of the billing cycle in favor of another attraction with at least 30% higher priority based on subsection (c)(1) of this Section. This will only apply where the sign panel in question has the maximum number of attraction signs allowed in Section 543.600(a)(2).

3) When a tourism attraction closes temporarily due to remodeling, or due to an act of God, including, but not limited to, fire or flood, the tourism attraction shall notify the Department in writing of the closure. Notification shall be sent to the:

LOGO/Tourism Signing Coordinator
Illinois Department of Transportation
Bureau of Operations
2300 South Dirksen Parkway
Springfield, Illinois 62704

Following the closure, the tourism attraction signs will be removed and stored by the Department for up to six months. If the tourism attraction remains closed after six months, the closure shall be considered as permanent and the space will be declared available. In any event, if the allowable closure period extends to the subsequent fiscal year, the annual rental fee for the tourism attraction must be paid for that year or the space will be declared available. If the tourism attraction does not notify the Department in writing of the closure and the Department becomes aware of the closure, the closure shall be considered permanent and the space will be declared available.

4) When a tourism attraction closes permanently, the tourism attraction will lose its signing priority and the space will be declared available. If the tourism attraction reopens and wishes to again take part in the program if a

space is available, a new application must be submitted as specified in Section 543.600(a). If the tourism attraction is still eligible for signing under this program, priority will be evaluated among all other eligible tourism attractions desiring signing at the interchange in question.

d) Location of Tourism Attraction

1) Tourism Attraction on the Crossroad
Where a tourism attraction is on the crossroad, it must either be visible to the motorists from the crossroad, or have a sign on the tourism attraction site, visible to the motorists from the crossroad, advising motorists of the appropriate entrance to the attraction.

2) Tourism Attraction not on the Crossroad

A) Where a tourism attraction is not on the crossroad, it must either be visible to the motorists from the crossroad or have a trailblazer sign or signs installed on the crossroad and the road or roads leading to the attraction advising motorists where to turn.

B) Where roads leading from the crossroad to the attraction are State highways, the Department will install trailblazer signs advising motorists where to turn.

C) Where roads leading from the crossroad to the attraction are under local agency jurisdiction, freeway signing will not be provided until legible trailblazer or other signs are installed by, or by permission of, the local agencies, with directional information advising motorists where to turn. It shall be the responsibility of the tourism attraction to arrange with the appropriate local agency for the installation of all signs on roads under the jurisdiction of the local agency.

e) No tourism attraction will be allowed more than one space on an individual tourism attraction panel.

f) Where an attraction is signed from a given freeway on an existing official sign, (see Section 543.200, Definitions, "Official Sign"), other than a business logo sign, it may not be signed on a tourism attraction sign on the same freeway unless it agrees that the Department can remove its name from the official highway sign.

Section 543.500 Criteria for RV-friendly Symbol Signs

The Department will furnish and install an RV-friendly symbol sign on a freeway tourism attraction sign for any tourism attraction meeting the following requirements.

a) The entrance to and egress from the tourism attraction shall be paved, kept free of potholes and shall be at least 12 feet wide with a minimum swing radius of 50 feet to enter and exit the facility.

b) The entrance to and egress from the tourism attraction and the parking area shall be free of any electrical wires, tree branches, canopies, or other obstructions up to 14 feet above the surface.

c) Tourism attractions shall have a minimum of 2 RV spaces at or near the facility that are a minimum of 12 feet wide and 65 feet long with a minimum swing radius of 50 feet to enter and exit the spaces.

d) Campgrounds shall have a minimum of 2 spaces that are a minimum of 18 feet wide and 45 feet long.

e) Tourism attractions shall post signs on their sites directing motorists to RV-friendly parking spaces and other on-site RV-friendly services.

Section 543.600 Panel and Sign Design

a) Freeway Panel Design

1) The word ATTRACTION and the exit number will be displayed above the tourism attraction signs in white legend ten inches in height on a blue background.

2) Tourism attraction signs may be combined with business logo signs on the same freeway panel with the business logo signs shown on the upper portion or portions of the panel and the tourism attraction signs on the lower portion of the panel. No more than a total of six signs may be shown on any one panel.

b) Exit Ramp Panel Design

1) Along exit ramps of single-exit interchanges, the tourism attraction signs will be displayed in similar order to that on the freeway. The Department will install the necessary directional arrows on the panel.

2) Exit ramp panels of double-exit interchanges are designed similarly to those of single-exit interchanges, except without directional arrows.

3) Tourism attraction signs and business logo signs may be combined on exit ramp panels.

c) Tourism Attraction Sign Design
The tourism attraction signs will be designed by the tourism attraction and supplied to the Department. The signs shall consist of the tourism attraction name, trademark symbol, or combination thereof, providing it does not resemble any traffic sign, signal, or device. The tourism attraction name or trademark must be consistent with that used on other signing for the tourism attraction and must be the primary message on the sign. The tourism attraction signs may also contain supplemental messages relating to the primary tourism attraction, including credit cards honored by that tourism attraction and hours/days of the week the attraction is open. If the tourism attraction is open less than four days a week, the days open or closed shall be shown. Messages that are not related to tourism attractions, including, but not limited to, alcoholic beverages, lottery tickets, and vehicle sales will not be allowed as supplemental messages. Supplemental messages must be significantly smaller than the primary tourism attraction name, trademark, or symbol used on the sign. Any supplemental messages must be an integral part of that tourism attraction sign and not added as stickers or decals after the tourism attraction sign has been installed. Any sign that is tampered with by the tourism attraction by the addition or deletion of supplemental messages or by altering the name, logo, or symbol or any other portion of the message or design subsequent to installation will be removed by the Department. The tourism attraction must then provide a new sign in addition to the $50 per sign reinstallation fee required by Section 543.700(b)(4). Covering over of a message will not be allowed. Signs shall be fabricated on an aluminum base material between .080 and .125 inches thick. High-performance retroreflectorized background sheeting material shall be utilized for the signs. The size of the signs to be installed on freeway panels, exit ramp panels, and trailblazer signs shall be as follows:

PANEL TYPE	SIGN	
	WIDTH	HEIGHT

Freeway	60"	36"
Exit Ramp	24"	18"
Trailblazer	24"	18"

In order to ensure that the signs meet the requirements of this Section, a tourism attraction shall provide a sign design to the Department for approval within 30 calendar days after approval of the application. If the sign design is not received by the Department within the 30-day time period, the space will be declared available.

d) RV-friendly Symbol Sign Design

1) The RV-friendly symbol sign will be furnished and installed by the Department. The sign will consist of a 12-inch diameter, yellow circle with a ½-inch black border and a black upper case "RV" in 8-inch high letters within the circle.

2) The RV-friendly symbol sign will be located in the lower right-hand corner of the tourism attraction sign and centered on a point 2-inches from the right-hand edge of the sign and 2-inches from the lower edge of the sign.

Section 543.700 Application, Fees, and Other Regulations

a) Application

1) In order for a tourism attraction to be considered for the program, an application form must be obtained from and, after completion, returned to the:

Tourism Attraction Sign Coordinator
Illinois Department of Commerce and Economic Opportunity
Bureau of Tourism
620 East Adams
Springfield, Illinois 62701

A separate application form must be completed for each tourism attraction.

2) When DCEO determines from the application that a tourism attraction meets the criteria listed in this Part, the application will then be reviewed by the Department to determine if space is available for the signs in accordance with this Part.

3) If the Department determines that space is available, the application will be approved and returned to the tourism attraction, along with instructions concerning the number and location of the tourism attraction signs, the annual fee, and other appropriate information.

b) Fees

1) A $100 non-refundable application fee for each tourism attraction must be submitted to the Department at the address noted in Section 543.400(c)(3) once the Department determines that space is available. The $100 application fee for each request for attraction signing that is not approved will be charged when a tourism attraction reapplies for signing after the attraction's signs have been removed due to late rental payments or temporary withdrawal from the program, or when a tourism attraction changes its name and its ownership at the same time.

2) An annual rental fee sufficient to offset the cost of the program will be charged for each tourism attraction sign displayed on a freeway panel, exit ramp panel, and trailblazer assembly. The annual rental fees as of July 1, 2007 will be $200 for each tourism attraction sign displayed on a freeway panel, $130 for each tourism attraction sign displayed on an exit ramp panel, and $30 for each tourism attraction sign displayed on a trailblazer assembly. Fee will be due on July 1 of every year. When a tourism attraction makes an annual payment, it will be guaranteed usage of the paid space on the specific attraction panel for the entire year, as long as it continues to meet the criteria established under this Part. Any tourism attraction closing or withdrawing from the program after making its annual payment will not be given a refund. A prorated fee will be charged for signs erected for a partial year when a business is accepted and a sign is installed after July 1.

3) When the annual rental fee is not received by the Department within 30 calendar days after the due date specified in the annual billing letter, the tourism attraction sign or signs will be removed by the Department. Where receipt of payment is delinquent and a specific attraction panel is

full, the tourism attraction will lose its signing priority to the next tourism attraction desiring the space. When the fee is received after the tourism attraction sign is removed, and space is still available on the panel, the $100 application fee as provided for in subsection (b)(1) of this Section will apply. The annual fee for the remainder of the fiscal year, as well as any portion of the annual fee owed for the period of time between the end of the preceding fiscal year and the date the sign was removed will also apply.

4) A fee of $50 for each tourism attraction sign will be charged for a tourism attraction requesting that its signs be replaced with new signs for any reason other than due to deterioration, damage, or vandalism as provided for in subsection (c)(1) of this Section. When replacement is requested, all tourism attraction signs for the specific tourism attraction, including those on freeway and exit ramp panels, as well as any Department-installed trailblazer sign, must be replaced at the same time. However, when the replacement only involves a change in a supplemental message, any signs not containing a supplemental message need not be replaced.

5) No fees will be charged to qualifying tourism attractions owned by the State of Illinois or the federal government, nor will any fees be charged to qualifying tourism attractions that are tax-exempt under section 501(c)(3) or other applicable section of the federal Internal Revenue Code.

6) A one-time fee of $100 will be charged for each RV-friendly symbol sign furnished and installed by the Department.

c) Placing and Maintaining Tourism Attraction Signs

1) A tourism attraction must pay for and supply tourism attraction signs to the Department within 60 calendar days after approval of a sign design. If the signs are not received by the Department within the 60-day time period, the space will be declared available. Only the Department will install, or cause to be installed, the tourism attraction signs on the specific attraction panel and trailblazer signs. When a tourism attraction sign is so deteriorated, damaged, or vandalized that it needs to be replaced, the Department will notify the tourism attraction concerning fabrication of a new sign. There will be no charge for the replacement of the tourism attraction sign.

2) Tourism attractions will be required to certify on the application that their signs meet the criteria established under this Part. When DCEO receives a complaint from a third party that an approved tourism attraction may not be in compliance with the criteria established under this Part, the tourism attraction will be contacted by DCEO to determine if the tourism attraction signs meet the established criteria. If DCEO determines that the tourism attraction fails to qualify, DCEO will notify the tourism attraction in writing to make the necessary change or changes so as to comply or the tourism attraction signs will be removed.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Engine Braking Signs

2) Code Citation: 92 Ill. Adm. Code 547

3)

Section Numbers:	Adopted Action:
547.100	New Section
547.200	New Section
547.300	New Section
547.400	New Section

4) Statutory Authority: Implementing and authorized by Section 12-602.1 of the Illinois Vehicle Code [625 ILCS 5/12-602.1]

5) Effective Date of Rule: October 23, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the agency's Division of Highways and Office of Chief Counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 14, 2006; 30 Ill. Reg. 12089

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This Part was promulgated in accordance with Section 12-602.1 of the Illinois Vehicle Code (the Code) [625 ILCS 5/12-602.1] to regulate the use of signs, by municipalities and counties, that prohibit excessive engine braking noise along streets and highways under municipal and county jurisdictions. Engine braking

signs are not permitted on freeways or interstate highways under Department jurisdiction but may be installed along roads or streets under Department jurisdiction in accordance with Section 11-303(b) of the Code.

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

Mr. Joseph S. Hill, Chief, Bureau of Operations
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764

217/782-7231

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

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

PART 547
ENGINE BRAKING SIGNS

Section
547.100 Introduction
547.200 Definitions
547.300 Criteria for Engine Braking Signs
547.400 Sign Design

AUTHORITY: Implementing and authorized by Section 12-602.1 of the Illinois Vehicle Code [625 ILCS 5/12-602.1].

SOURCE: Adopted at 30 Ill. Reg. 17571, effective October 23, 2006.

Section 547.100 Introduction

a) This Part has been developed, in accordance with Section 12-602.1 of the Illinois Vehicle Code (the Code) [625 ILCS 5/12-602.1], to regulate the use of signs, by municipalities and counties, that prohibit excessive engine braking noise along streets and highways under municipal and county jurisdictions. This Part establishes standards and financial responsibility for the signs and will become effective on January 1, 2007.

b) Engine braking signs shall not be installed on freeways or interstate highways under the jurisdiction of the Department, but may be installed along roads or streets under the jurisdiction of the Department in accordance with Section 11-303(b) of the Code [625 ILCS 5/11-303(b)].

Section 547.200 Definitions

The following words or phrases, when used in this Part, shall have the meanings ascribed to them in this Section.

"Department" – the Illinois Department of Transportation, with central offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

"Engine Braking Sign" or "the sign" – a rectangular sign displaying the words EXCESSIVE ENGINE BRAKING NOISE PROHIBITED. (See Section 12-602.1(b) of the Code.)

"Freeway" – a divided highway for through traffic with full control of access and grade separations at crossroads. When used in this Part, freeways shall include the connecting ramps between freeways and other roads and streets.

"Interstate" – a freeway that is part of the National System of Interstate and Defense Highways and marked with an Interstate Route Number.

Section 547.300 Criteria for Engine Braking Signs

a) A municipality or county may furnish, install and maintain engine braking signs at each end of the section of road or street under its respective jurisdiction where the prohibition applies and may add such additional engine braking signs along the prohibited section, as necessary, to effect the prohibition.

b) A municipality or county may furnish, install and maintain engine braking signs along roads or streets, other than freeways and interstates, under the jurisdiction of the Department in accordance with Section 11-303(b) of the Code.

Section 547.400 Sign Design

a) The sign shall be a standard 30" wide x 36" tall with the words "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED" in black lettering on a retroreflectorized white background and shall carry the Illinois Department of Transportation Sign Standard Number R5-I106.

b) The sign may be supplemented by a panel mounted underneath with the legend "ON VILLAGE (CITY) STREETS, NEXT 2 MILES, 7 PM-8 AM" or similar wording in black lettering on a retroreflectorized white background specifying the extent and/or time limits of the prohibition.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

1) Heading of the Part: River Edge Redevelopment Zone Program

2) Code Citation: 14 Ill. Adm. Code 524

3)

Section Numbers:	Emergency Action:
524.10	New Section
524.20	New Section
524.110	New Section
524.130	New Section
524.140	New Section
524.150	New Section
524.160	New Section
524.210	New Section
524.220	New Section
524.230	New Section
524.240	New Section
524.250	New Section
524.310	New Section
524.320	New Section
524.410	New Section
524.420	New Section
524.430	New Section
524.510	New Section
524.520	New Section
524.530	New Section
524.540	New Section
524.550	New Section
524.560	New Section
524.570	New Section
524.610	New Section
524.620	New Section
524.630	New Section
524.640	New Section
524.650	New Section

4) Statutory Authority: Implementing and authorized by Section 10-6 of the River Edge Redevelopment Zone Act [65 ILCS 115/10-6].

5) Effective Date of Emergency Rulemaking: October 23, 2006

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not specified an expiration date.

7) Date Filed with the Index Department: October 23, 2006

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Two of the three pilot communities have projects with developers that are awaiting the respective certifications that will enable them to begin cost-effective re-use of the environmentally-challenged property in this current construction season.

10) A Complete Description of the Subjects and Issues Involved: Recently enacted legislation (PA 94-1021, effective July 12, 2006 and PA 94-1022, effective July 12, 2006) identifies and initiates 3 pilot River Edge Redevelopment Zones to stimulate the safe and cost-effective re-use of environmentally-challenged properties adjacent to or surrounding rivers by means of tax incentives and grants.

11) Are there any proposed rulemakings pending on this Part? No

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805 13(b)].

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

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, IL 62701

217/557-1820
217/782-0038
e-mail: jolene.clarke@illinois.gov

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

TITLE 14: COMMERCE
SUBTITLE B: CONSUMER PROTECTION
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 524
RIVER EDGE REDEVELOPMENT ZONE PROGRAM

SUBPART A: RIVER EDGE REDEVELOPMENT ZONES IN ILLINOIS

Section
524.10 Purpose
EMERGENCY
524.20 Definitions
EMERGENCY

SUBPART B: APPLICATION FOR CERTIFICATION

Section
524.110 Eligible Applicants
EMERGENCY
524.120 Eligibility Criteria
EMERGENCY
524.130 Form of Application
EMERGENCY
524.140 Application Procedures
EMERGENCY
524.150 Application Evaluation and Ranking
EMERGENCY
524.160 Certification
EMERGENCY

SUBPART C: AMENDMENT AND DECERTIFICATION

Section
524.210 Application to Amend an Ordinance
EMERGENCY
524.220 Application to Change Boundaries
EMERGENCY
524.230 Application to Change Incentives, Alter Termination Date, and Make
EMERGENCY Technical Corrections

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

524.240 Decertification
EMERGENCY
524.250 Adoption of Tax Increment Financing
EMERGENCY

SUBPART D: LOCAL RESPONSIBILITIES

Section
524.310 Zone Administration
EMERGENCY
524.320 Business Cessation Notification
EMERGENCY

SUBPART E: DESIGNATED ZONE ORGANIZATIONS

Section
524.410 General
EMERGENCY
524.420 Project Eligibility and Approval
EMERGENCY
524.430 Charitable Contributions
EMERGENCY

SUBPART F: TAX INCENTIVES

Section
524.510 List of Available Tax Incentives
EMERGENCY
524.520 Investment Tax Credit
EMERGENCY
524.530 Job Tax Credit
EMERGENCY
524.540 Environmental Remediation Tax Credit
EMERGENCY
524.550 Dividend Income Deduction
EMERGENCY
524.560 Interest Income Deduction
EMERGENCY
524.570 Building Materials Sales Tax Exemption
EMERGENCY

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

SUBPART G: RIVER EDGE REDEVELOPMENT GRANT PROGRAM

Section
524.610 Purpose
EMERGENCY
524.620 Application Cycle
EMERGENCY
524.630 Eligible Program Costs
EMERGENCY
524.640 Grant Application
EMERGENCY
524.650 Review of Grant Applications
EMERGENCY

AUTHORITY: Implemented and authorized by Section 10-6 of the River Edge Redevelopment Zone Act [65 ILCS 115/10-6].

SOURCE: Adopted by emergency rule at 30 Ill. Reg. 17575, effective October 23, 2006, for a maximum of 150 days.

SUBPART A: RIVER EDGE REDEVELOPMENT ZONES IN ILLINOIS

Section 524.10 Purpose
EMERGENCY

Identify and initiate 3 pilot River Edge Redevelopment Zones to stimulate the safe and cost-effective re-use of environmentally-challenged properties adjacent to or surrounding rivers by means of tax incentives or grants.

Section 524.20 Definitions
EMERGENCY

Act – The River Edge Redevelopment Act [65 ILCS 115/Art. 10] that creates the River Edge Redevelopment Program.

Agency – Each officer, board, commission, and agency created by the Constitution, in the executive branch of State government, other than the State Board of Elections; each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the Sate; each

administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts, and board of election commissioners; and each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. No entity is an "agency" for the purposes of the Act unless the entity is authorized by law to make rules or regulations.

Application – A request for program funds, including the required information and attachments.

Bondable Capital Improvements – As defined under 71 Ill. Adm. Code 50 and undertaken by a business organization, not-for-profit corporation or local government.

Business Organization – Any for-profit sole proprietorship, limited partnership, co-partnership, joint venture, corporation, or cooperative.

Department − The Illinois Department of Commerce and Economic Opportunity.

Designated Zone Organization − An association or entity:

The members of which are substantially all residents of the River Edge Redevelopment Zone;

The Board of Directors of which is elected by the members of the organization;

That satisfies the criteria set forth in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code (26 USC 501(c)(3) or (4)); and

That exists primarily for the purpose of performing within such area or Zone for the benefit of the residents and businesses therein any of the functions set forth in Section 8 of the Act [65 ILCS 115/10-8].

Grant − Funds that require no repayment to be used by a qualified applicant.

Local Government − Any unit of local government as defined in Article VII, Section 1 of the 1970 Illinois Constitution.

Minority Person, Female, and Person with a Disability – Have the meanings set forth under Section 2 of the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575].

Not-for-Profit Corporation – A corporation incorporated pursuant to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] and in good standing with the Illinois Secretary of State.

Program – River Edge Redevelopment Grant Program.

Qualified Applicants − Local governments, not-for-profit corporations, and business organizations.

Redevelopment Project – An endeavor undertaken, during a specified time period, to improve cleared or undeveloped land, including, but not limited to, erection of buildings and other facilities by public or private entities, and site improvements installed by a local government in order to prepare the land for disposition to developers.

Recipient – Any eligible applicant receiving funds under this program.

River Edge Redevelopment Zone or Zone – An area of the State certified by the Department as a River Edge Redevelopment Zone, pursuant to the River Edge Redevelopment Act.

Rule − Each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include statements concerning only the internal management of an agency and not affecting rights or procedures available to persons or entities outside the agency; intra-agency memoranda; or the prescription of standardized forms.

Veteran – An Illinois resident who is a veteran as defined in 10 USC 1491(h).

Zone − An area designated by the Department pursuant to the River Edge Redevelopment Act.

SUBPART B: APPLICATION FOR CERTIFICATION

Section 524.110 Eligible Applicants
EMERGENCY

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

A municipality that has environmentally challenged land within 1,500 yards of a riverfront in the State of Illinois may apply to the Department of Commerce and Economic Opportunity for certification of as a River Edge Redevelopment Zone, in accordance with the requirements set forth in Section 5 of the Act and this Part.

Section 524.120 Eligibility Criteria
EMERGENCY

a) The area is contiguous, adjacent to, or surrounding a river;

b) For purposes of calculating total area, the minimum is one-half square mile and the maximum is 12 square miles, exclusive of lakes and waterways;

c) The area is entirely within either the City of Aurora, East St. Louis or Rockford and has at least 100 acres of environmentally challenged land within 1,500 yards of the riverfront; and

d) The area is not located within the boundaries of an existing Illinois Enterprise Zone.

Section 524.130 Form of Application
EMERGENCY

An application shall be submitted on the standard application form provided by the Department. An application shall include:

a) Eligibility Criteria. Information that the necessary eligibility criteria, as specified in Section 524.120, have been met;

b) Characteristics of the Zone. Information on the following physical, economic and social characteristics of the zone:

1) Master Plan. A specific plan that sets forth the effect of economic growth and expansion;

2) Map of Zone. A map of the Redevelopment Zone that contains a precise description of the area comprising the zone, either in the form of a legal description or by reference to roadways, lakes and waterways, and municipal boundaries;

3) Qualification Issue. An analysis and appropriate supporting documents demonstrating that the proposed area is qualified under Section 10-4 of the Act;

4) Duration of or Term of the River Edge Redevelopment Zone;

c) Local Revitalization Efforts. A statement setting forth the economic development and planning objectives of the zone;

d) Local Incentives and Programs. A statement detailing tax, grant, and other financial incentives or benefits, and any programs to be provided by the municipality to business River Edge Redevelopments or organizations within the zone, other than those provided in the designating ordinance, that are not to be provided throughout the municipality;

e) Transcript of Public Hearings. A transcript of all public hearings;

f) Management Structure of the Zone. A statement describing the functions, program, and services to be performed by the designated zone organizations within the zone.

Section 524.140 Application Procedures
EMERGENCY

All applications must be considered and acted upon by the Department no later than 180 days after being received by the Department.

a) Upon receipt of the application, the Department shall review the application to determine whether the designated area qualifies as a River Edge Redevelopment Zone under Section 10-4 of the Act;

b) If an area is found to be qualified, the Department shall:

1) Publish a notice in at least one newspaper of general circulation within the municipality to notify the general public of the application and the opportunity to comment. The notice shall:

A) include a description of the area;

B) include a brief summary of the application, indicating locations where the applicant has copies for public inspection;

C) indicate appropriate procedures for filing with the Department written comments from zone residents, business, civic and other organizations, and property owners;

2) The Department shall either approve or deny an application within 180 days after receiving the application.

A) If approval of an application is not received within 180 days, then the application is considered to be denied.

B) If the application is denied, the Department shall inform the municipality of the specific reasons for denial.

Section 524.150 Application Evaluation and Ranking
EMERGENCY

a) Ranking Applications. Consistent with Section 10-4 of the Act regarding approval and certification of a River Edge Redevelopment Zone, the Department shall give preference to those areas:

1) with high levels of environmentally challenged areas;

2) that have evidenced the widest support from the municipality;

3) for which a specific plan has been submitted to effect economic growth and expansion;

4) for which there is evidence of prior consultation between the municipality and business, labor, and neighborhood organizations within the proposed zone;

5) for which a specific plan has been submitted that will or may be expected to benefit zone residents and workers by increasing their ownership opportunities and participation in River Edge Redevelopment Zone developments.

b) The Department's determination of whether to certify a River Edge Redevelopment Zone shall be based on the purposes of the Act, the criteria set forth in Section 10-4 of the Act and subsection (a) of this Section.

Section 524.160 Certification
EMERGENCY

Approval of designated River Edge Redevelopment Zones shall be effectuated by the Department by certification of the designating ordinance.

a) The Department shall promptly issue a certificate for each approved zone. The certificate shall:

1) be signed by the Director of the Department;

2) make specific reference to the designating ordinance, which shall be attached to the certificate;

3) be filed in the Office of the Secretary of State Index Department; and

4) be recorded in the office of the recorder of deeds in the county in which the River Edge Redevelopment Zone lies.

b) A River Edge Redevelopment Zone shall be effective upon its certification. A certified copy of the ordinance and certification shall be filed with the Legal Service Bureau of the Illinois Department of Revenue and with the designating municipality. Upon certification, the terms and provisions of the ordinance shall be in effect and may not be amended or repealed, except in accordance with Section 10-5.4 of the Act.

c) A River Edge Redevelopment Zone shall be in effect for the period stated in the certificate, which shall in no event exceed 30 years. Zones shall terminate at midnight on December 31 of the final calendar year or the certified term, except as provided in Section 10-5.4 of the Act.

d) In calendar years 2006 and 2007, the Department may certify one pilot River Edge Redevelopment Zone in the City of Aurora, one pilot River Edge Redevelopment Zone in the City of East St. Louis, and one pilot River Edge Redevelopment Zone in the City of Rockford. The Department shall not certify any additional River Edge Redevelopment Zones, but may amend or rescind

certifications of existing River Edge Redevelopment Zones in accordance with Section 10-5.4 of the Act.

e) A municipality in which a River Edge Redevelopment Zone has been certified must submit to the Department, within 60 days after certification, a plan for encouraging the participation by minority persons, females, persons with disabilities, and veterans in the zone.

f) The Department may assist the municipality in developing and implementing the master plan.

SUBPART C: AMENDMENT AND DECERTIFICATION

Section 524.210 Application to Amend an Ordinance
EMERGENCY

a) Amending an Ordinance. An application for amending an approved ordinance that creates a River Edge Redevelopment Zone shall follow the conditions set forth in Section 10-5.4 of the Act. An amendment to an ordinance is not effective unless and until the Department approves the application and the amending ordinance and files an amended certificate and the designating ordinance with the Secretary of State and the county recorder of deeds, as provided in Section 10-5.3 of the Act.

b) Standardized Application. The Department shall furnish upon request standardized application forms to a municipality that seeks to amend a certified designating ordinance.

c) Including Additional Territory of the Municipality. An application for amending an approved ordinance to include additional territory of the municipality, certified by the chief elected official of the designating municipality, shall contain all other information required under Section 10-5.1 of the Act and Section 524.130 of this Part. The application shall also demonstrate that the proposed additional territory meets the eligibility criteria set forth in Section 524.120(d) of this Part and Section 10-4 of the Act. Applications shall be submitted to the Department, which shall approve or deny the application in writing within 90 days after receipt. The application will be approved if it meets the requirements of this subsection (c) and Section 10-5.4 of the Act.

Section 524.220 Application to Change Boundaries

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

EMERGENCY

a) Eligibility Criteria for Proposed Additions. The boundaries of an approved River Edge Redevelopment Zone may be amended to add areas on forms provided by the Department. An area is eligible if it meets the qualifications described in Section 10-4 of the Act and the application to amend the River Edge Redevelopment Zone ordinance provides analyses and documentation that the area being added is environmentally challenged.

b) Eligibility Criteria for Proposed Deletions. The boundaries of an approved River Edge Redevelopment Zone may be amended, on forms provided by the Department, to delete areas. An area is eligible if it meets the qualifications described in Section 10-4 of the Act and the application to amend the ordinance provides analyses and documentation that the area is an area in which the local objective for redevelopment of the zone has been accomplished.

Section 524.230 Application to Change Incentives, Alter Termination Date, and Make Technical Corrections
EMERGENCY

a) Application to Expand, Limit, or Repeal Incentives

1) Changing Incentives. An applicant shall apply on forms provided by the Department to expand, limit, or repeal the incentives provided in the ordinance and shall comply with the procedures described in Section 10-5.4 of the Act.

2) Continuation of Incentives. Section 10-5.4(e) and (f) of the Act provide that all incentives and benefits previously offered shall continue for the original term of the zone for three groups:

A) Businesses in the River Edge Redevelopment Zone that are receiving benefits or incentives in the zone on the effective date of the amending ordinance;

B) Businesses in the zone or expansions that are proposed or under development on the effective date of the amending ordinance, if the business demonstrates that:

i) The proposed business development or expansion has been committed to locating or expanding in the zone;

ii) Substantial and binding financial obligations have been made towards the development of the River Edge Redevelopment; and

iii) Commitments have been made in reasonable reliance on the benefits and programs that were to have been applicable to the River Edge Redevelopment by reason of the zone, including, in the case of reduction in the term of a zone, the original term of the zone.

3) Local Government Duties. With respect to businesses that are already receiving River Edge Redevelopment Zone benefits, the local government has the responsibility to attempt to inform eligible businesses through public notice or mailings and to take administrative steps necessary to assure compliance.

4) Evidence of Financial Commitment. Evidence of commitment under subsection (a)(2)(B)(ii) shall include, but not be limited to: internal memoranda; purchase orders; construction plans and schematics; evidence of financial commitment from financial institutions and/or State, local or federal governments, and written contracts. Proposed business locations or expansions shall also demonstrate reliance on River Edge Redevelopment Zone benefits by applying for the incentives.

b) Application to Alter Termination Date

1) Altering Termination Date. An applicant shall apply on forms provided by the Department to alter the termination date provided in the ordinance and shall comply with the procedures described in Section 10-5.4 of the Act.

2) Reducing Duration of Zone. If the amendatory ordinance reduces the duration of the River Edge Redevelopment Zone, the "benefit entitlement" described in Section 10-5.4(e) and (f) of the Act and subsections (a)(2)(A) and (B) shall apply.

c) Application to Make Technical Corrections

1) An applicant shall apply to the Department to make a technical correction in the ordinance, on forms provided by the Department, and shall comply with the procedures described in Section 10-5.4 of the Act.

2) A "technical correction" shall mean a non-substantive change that corrects or clarifies the wording, terms, or conditions of a River Edge Redevelopment Zone. A technical correction is not one that affects any rights or privileges accorded to residents of the zone.

Section 524.240 Decertification
EMERGENCY

a) In accordance with Section 10-5.4 of the Act, a River Edge Redevelopment Zone may be decertified in two ways:

1) Joint Action. By joint action of the Department and the designating county or municipality in accordance with Section 10-5.4(c) of the Act; or

2) For Cause. For cause by the Department in accordance with Section 10-5.4(d) of the Act. Cause for decertification shall be defined as the designating unit of government's failure to implement the River Edge Redevelopment Zone program, which can be evidenced by: the lack of an economic development strategy (no clearly defined objectives or course of action for improving zone performance); the failure to implement a business retention and expansion plan (little or no contact with zone businesses, or zone benefits not explained or publicized to businesses); and the failure to implement incentives uniformly throughout the River Edge Redevelopment Zone as described in Section 524.120(d).

b) Notice of Probation. The Department shall notify the designating unit of government of the commencement of probationary status pending action to decertify the River Edge Redevelopment Zone. Notice shall include: the date the probationary term begins; the duration of the probationary term; the deficiencies involved; and the date and location of the public hearing. The probationary status shall commence on the date the notice is postmarked.

1) Work Plan. Within 30 days after the date of the Department notice, the designating unit of government shall submit a work plan that explains corrective actions to be taken and any evidence refuting the deficiencies.

2) Public Hearing. Upon expiration of the 30-day response period, the Department shall conduct a public hearing within the boundaries of the River Edge Redevelopment Zone in order to receive evidence and testimony regarding decertification. Written and oral testimony, including supporting documentation, will be accepted from any affected party, regardless of whether the party resides within the River Edge Redevelopment Zone boundaries. The Department shall place public notice of the public hearing in one newspaper of general circulation within the River Edge Redevelopment Zone, not more than 20 days nor less than 5 days before the public hearing. A tape recording of the public hearing shall be made. Interested persons may access the tape recordings of public hearings in accordance with procedures provided in the Department's Freedom of Information rules titled Access to Information of the Department of Commerce and Community Affairs (2 Ill. Adm. Code 801).

3) Corrective Steps. The Department may enter an agreement with the designating unit of government regarding the specific corrective steps to be taken. Within 15 days after the date of the public hearing, the Department shall issue a letter to the designating unit of government stating the final terms of the plan for corrective action.

4) Progress Reports. The designating unit of government shall submit written monthly progress reports and shall make personnel available for meetings and interviews to ensure compliance with the plan of corrective action.

5) Notice of Decertification. The Department shall notify the designating unit of government, 21 days prior to the end of the probationary period, as to whether decertification will proceed.

Section 524.250 Adoption of Tax Increment Financing
EMERGENCY

If a redevelopment project area is, will be, or has been created by a municipality under Division 74.4 of Article 11 of the Illinois Municipal Code [65 ILCS 5], the redevelopment project contains property that is located in a River Edge Redevelopment Zone, the municipality adopts an amendment to the River Edge Redevelopment Zone designating ordinance pursuant to Section 10-5.4 of the Act concerning the abatement of taxes on property located within a redevelopment project area created pursuant to Division 74.4 of Article 11 of the Illinois Municipal Code, and the Department certifies the ordinance amendment, then the property that is located in both the

River Edge Redevelopment Zone and redevelopment project area shall not be eligible for the abatement of taxes under Section 18-170 of the Property Tax Code [35 ILCS 200/18-170].

a) No business enterprise or expansion or individual that has constructed a new improvement or renovated or rehabilitated an existing improvement and has received an abatement on the improvement under Section 18-170 of the Property Tax Code shall be denied any benefit previously extended within the zone pursuant to the Act or any other Illinois law providing benefits specifically to or within the River Edge Redevelopment Zone.

b) Procedure

1) Within 30 days after adoption of an amendment to the designating ordinance, a business enterprise or individual may present evidence to the municipality supporting the requirements of subsections (b)(1)(A)-(C). Within 30 days after receipt of the evidence, the municipal authorities shall determine that, before the date of the notice of the public hearing provided by the municipality regarding the amendment to the designating ordinance, the business or individual met the following qualifications:

A) *The business enterprise or expansion or individual was committed to locate within the River Edge Redevelopment Zone;*

B) *Substantial and binding financial obligations were made towards the development of the enterprise; and*

C) *The commitments* in subsections (b)(1)(A) and (B) *were made in reasonable reliance on the benefits and programs that were applicable to the enterprise or individual by reason of the River Edge Redevelopment Zone.*

2) If the municipality confirms the evidence presented, *then the enterprise or expansion or individual shall not be denied any benefits previously extended within the zone pursuant to the Act or pursuant to any other Illinois law providing benefits specifically to or within River Edge Redevelopment Zones.* (Section 10-5.4.1 of the Act)

SUBPART D: LOCAL RESPONSIBILITIES

Section 524.310 Zone Administration

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

EMERGENCY

The administration of a River Edge Redevelopment Zone shall be under the jurisdiction of the designating municipality. Each designating municipality shall, by ordinance, designate a Zone Administrator for the certified zone within its jurisdiction. A Zone Administrator must be an officer or employee of the municipality. The Zone Administrator shall be the liaison to the designating municipality, the Department, and any Designated Zone Organizations within zones under his or her jurisdiction.

Section 524.320 Business Cessation Notification
EMERGENCY

a) Notification of Business Cessation. Section 10-9 of the Act requires a business located within a River Edge Redevelopment Zone that has received tax credits or exemptions, regulatory relief, or any other benefits under the Act to notify the Department and the officials of the county and municipality in which the business is located within 60 days after cessation of business operations. For purposes of this Section, business cessation shall mean the business has:

1) closed and is not conducting business in any capacity within the boundaries of the River Edge Redevelopment Zone;

2) relocated its operations in whole to another area outside the boundaries of the River Edge Redevelopment Zone; or

3) been acquired or assumed (existing business or assets) by another entity.

b) Notice for Closed or Relocated Businesses. In the case of business cessation under the categories specified under subsections (a)(1) and (a)(2), notification shall consist of a letter from the person in charge of the affected facility identifying the date of business cessation and the number of employees at the time of business cessation.

c) Notice for Acquired Businesses. In the case of a business cessation under the category specified in subsection (a)(3), notification shall consist of a letter from the person in charge of the affected facility identifying the date of purchase and name of the new business.

d) Notification of the business cessation shall be submitted to:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

1) DCEO. Office Chief, Office of Economic Development Programs, Department of Commerce and Economic Opportunity, 620 East Adams Street, Springfield, Illinois 62701.

2) Local Government. The chief elected official of the designating unit of government of the River Edge Redevelopment Zone.

SUBPART E: DESIGNATED ZONE ORGANIZATIONS

Section 524.410 General
EMERGENCY

A designating municipality or county may designate one or more Designated Zone Organizations qualified under Section 10-3(d) of the Act to perform within the area or zone for the benefit of the residents and businesses in the zone. The Department shall furnish a standard application to an entity or association seeking certification as a Designated Zone Organization (DZO). No organization shall be considered a DZO unless and until the Department verifies eligibility in accordance with Section 10-3(d) of the Act, and the organization is authorized by local ordinance to function as a DZO. Once certified, the DZO may provide services or perform functions in coordination with the municipality or county that is listed in Section 10-8 of the Act.

Section 520.420 Project Eligibility and Approval
EMERGENCY

A business entity may receive a deduction against income subject to State taxes for a contribution to a DZO if the project for which the contribution is made has been specifically approved by the designating municipality or county and by the Department. Any DZO seeking to have a project approved for contribution must submit an application to the Department describing the nature and benefit of the project and its potential contributors.

a) Standard Applications. The Department shall provide a standard application to any DZO seeking to qualify a project for contributions eligible for tax deductions in accordance with Section 10-11 of the Act. Applications shall be processed in accordance with Section 10-11(e) of the Act.

b) Project Approval Period. Applications shall be approved for a period of one project fiscal year. Continuation of project approval and eligibility for contributions in future years shall require a new application and current documentation, including:

1) A project balance sheet showing assets and liabilities, in accordance with the most recent accounting standards of the Financial Standards Board of the American Institute of Certified Public Accountants as contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2001, no later editions are incorporated);

2) A project budget; and

3) Information regarding the extent to which project objectives have been accomplished.

c) Renewal Applications

1) All renewal applications shall be submitted at least 90 days prior to the start of the budget fiscal year or program year for which approval is requested.

2) Within 15 days after receipt of the application, the Department shall notify the DZO in writing regarding project renewal. In the event the renewal application is determined deficient, the Department will notify the DZO of the deficiencies. The DZO shall have 15 days from the date of the notice of deficiency to submit corrected or additional information.

3) Within 5 days after the start of the budget fiscal year for which the project renewal is requested, the Department shall notify the DZO that the application is accepted and that the project will be renewed or that the application is deficient and the renewal is denied.

d) Written Endorsement Requirement. In no case shall a project be approved by the Department that does not have the written endorsement of the designating units of government.

e) Project Proposal. A proposed project shall enhance the River Edge Redevelopment Zone in accordance with Section 10-11(c) of the Act. In describing how the proposed project will enhance the River Edge Redevelopment Zone, the DZO shall address the following:

1) Assessment of Need. The applicant shall identify the specific need, problem or objective that will be addressed by the proposed project.

2) Project Objectives. The applicant shall identify how the project will offer relief from the identified problems or meet the identified need.

3) Project Criteria. In accordance with Section 10-11(b) of the Act, a DZO must demonstrate that the proposed project meets all of the following criteria:

A) That the project will contribute to the self-help efforts of zone residents. (Self-help means the project can reasonably be expected to improve the ability of participating residents to live and/or work in the River Edge Redevelopment Zone.);

B) That the zone residents will actively participate in the project's planning and implementation;

C) That the project lacks sufficient resources; and

D) That the DZO will be fiscally responsible for the project.

f) Project Modifications. Project modifications, either programmatic or budgetary, require the prior approval of the Department.

g) DZO Project Administrative Responsibility. The DZO shall furnish the Department an annual status report on each project. The report must be submitted no later than 30 calendar days following the anniversary and shall consist of the following information:

1) A financial statement, in accordance with the most recent generally accepted accounting principles of the AICPA; and

2) A statement describing the project's success in achieving the objectives outlined in the approved application.

Section 524.430 Charitable Contributions
EMERGENCY

a) Amount of Contributions. The Department is authorized under Section 10-11(d) of the Act to specify the amount of contributions a DZO is eligible to receive for a project. The Department will deny amounts requested if:

1) The amount requested or the items sought are excessive or inappropriate to the project goals and objectives; or

2) Approval of the project would, in total, with all other project amounts approved in any calendar year, exceed the contribution limitation set or established in Section 10-11(g) of the Act.

b) Eligibility of a Contribution for a Tax Deduction. The DZO shall provide to the Department information necessary to determine the eligibility of a contribution for a tax deduction in accordance with Section 203(b)(2)(N) of the Illinois Income Tax Act [35 ILCS 5/203(b)(2)(N)] and section 170(c) of the Internal Revenue Code (26 USC 170(c)).

c) Claim for Tax Deduction. In order to determine and certify the amount of contribution, a taxpayer may file a claim for a tax deduction.

1) Request for Contribution Approval. The taxpayer shall submit to the Department a request for contribution approval that shall include:

A) The name of the taxpayer, the taxpayer's address, and the Federal Employer Identification Number (FEIN);

B) The name of the River Edge Redevelopment Zone, the DZO and the project;

C) The amount of cash or the value of the in-kind contribution as determined in accordance with section 170(c) of the Internal Revenue Code; and

D) In the case of an in-kind contribution, documentation sufficient to support the claim, such as appraisals of fair market value.

2) Receipt to Taxpayer. The DZO shall issue a receipt to the taxpayer when a contribution is made. The receipt shall include:

A) The exact name of the taxpayer, the address, and the FEIN;

B) The date the contribution was made;

C) The name of the DZO and of the project to which the contribution has been made; and

D) The amount and a description of the contribution made to the project.

3) Verification of Contribution Value. The DZO shall forward to the Department a copy of the receipt issued under subsection (c)(2) and verification of the contribution value as determined under section 170(c) of the Internal Revenue Code and the most recent Accounting Standards of the Financial Accounting Standards Board of the AICPA.

SUBPART F: TAX INCENTIVES

Section 524.510 List of Available Tax Incentives
EMERGENCY

a) Several tax incentives are available to businesses in a River Edge Redevelopment Zone:

1) Investment Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(e) and (f)];

2) Jobs Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(g)];

3) Environmental Remediation Tax Credit found in the Illinois Income Tax Act [35 ILCS 35/201(h)(1)(n)];

4) Dividend Income Deduction found in the Illinois Income Tax Act [35 ILCS 5/203(a)(2)(J), (b)(2)(K), (c)(2)(M) and (d)(2)(K)];

5) Interest Income Deduction found in the Illinois Income Tax Act [35 ILCS 5/203(b)(2)(M)]; and

6) Building Material Sales Tax Exemption found in the Retailers' Occupation Tax Act [35 ILCS 120/2-54].

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

Section 524.520 Investment Tax Credit
EMERGENCY

The Investment Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(e) and (f)] provides for a 0.5% credit against the State income tax for investment made in qualified property that is placed in service in a River Edge Redevelopment Zone [35 ILCS 5/201(e) and (f)]. The credit shall be 0.5% of the basis for such property. The specific terms and conditions governing this tax credit are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 100.2110 and 100.2130).

Section 524.530 Jobs Tax Credit
EMERGENCY

The Jobs Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(g)] allows a taxpayer conducting a trade or business in a River Edge Redevelopment Zone to be given a tax credit against the tax imposed in Sections 201(a) and (b) of the Illinois Income Tax Act in the amount of $500 per eligible employee hired to work in the zone during the taxable year. The specific terms and conditions governing this tax deduction are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 2120).

Section 524.540 Environmental Remediation Tax Credit
EMERGENCY

The River Edge Redevelopment Zone Site Environmental Remediation Tax Credit found in the Illinois Income Tax Act [35 ILCS 5/201(n)] allows a taxpayer a credit against the tax imposed by subsections (a) and (b) for certain amounts paid for unreimbursed eligible remediation costs that were paid in performing remediation at a site within a River Edge Redevelopment Zone for which a No Further Remediation Letter was issued and recorded under Section 58.10 of the Environmental Protection Act [415 ILCS 5/58.10].

Section 524.550 Dividend Income Deduction
EMERGENCY

The Dividend Income Deduction found in the Illinois Income Tax Act [35 ILCS 5/20(a)(2)(J), (b)(2)(K), (c)(2)(M) and (d)(2)(k)] provides that taxpayers may deduct from their taxable income an amount equal to those dividends that were paid to them by a corporation that conducts substantially all of its operations in a River Edge Redevelopment Zone. The terms and conditions governing this tax deduction are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 2480).

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

Section 524.560 Interest Income Deduction
EMERGENCY

The Interest Income Deduction for Financial Institutions found in the Illinois Income Tax Act [35 ILCS 5/203(b)(2)(M) and (M-1)] allows any taxpayer that is a financial organization within the meaning of Section 304(c) of the Illinois Income Tax Act to deduct from its Illinois corporate income tax return an amount equal to the interest received from a loan for development in a River Edge Redevelopment Zone (see 35 ILCS 5/203(b)(2)(M)). The specific terms and conditions governing this tax deduction are found in the Illinois Department of Revenue's regulations (86 Ill. Adm. Code 100.2110).

Section 524.570 Building Materials Sales Tax Exemption
EMERGENCY

The Building Materials Sales Tax Exemption found in the Retailers' Occupation Tax Act [35 ILCS 120/2-54] allows each retailer in Illinois who makes a sale of building materials to be incorporated into real estate in a River Edge Redevelopment to deduct the receipts from such sales when calculating the tax imposed by the Retailers' Occupation Tax Act.

SUBPART G: RIVER EDGE REDEVELOPMENT GRANT PROGRAM

Section 524.610 Purpose
EMERGENCY

Through the River Edge Redevelopment Zone Grant Program, the Department of Commerce and Economic Opportunity will provide grants to business organizations, local governments and not-for-profit agencies for the purpose of redevelopment within designated River Edge Redevelopment Zones.

Section 524.620 Application Cycle
EMERGENCY

The Department will supply interested qualified applicants with an application upon request. Applications under this program will be accepted on an ongoing basis until funds are exhausted.

Section 524.630 Eligible Program Costs
EMERGENCY

Bondable capital improvements shall be eligible for reimbursement with grant proceeds when the improvements are necessitated by a redevelopment project within the zone.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

Section 524.640 Grant Application
EMERGENCY

Applications for grants must include the following documentation:

a) Project Summary. A brief statement and description of the project for which funds are being sought.

b) Evidence of Need. A description of the conditions of the zone requiring action, such as absence of necessary infrastructure to support economic growth.

c) Background of Applicant. A brief discussion of the applicant's organization, purpose, history and capabilities to carry out the proposed project.

d) Project Description. A description of the proposed redevelopment project for which the grant would be used, including a project work statement detailing project objectives, work activities and deadlines as well as identification of the individuals or groups responsible for carrying out the project.

e) Project Results. Identification of the anticipated results of the proposed project in terms such as economic diversification, potential for creation or retention of jobs, or other public benefits.

f) Project Management. Identification and information on the staff and/or consultants to be involved in the proposed project, including qualifications and functional responsibilities.

g) Financial Statements. If necessary, financial statements of the applicant.

h) Coordination. Description of any cooperative working relationships that are or will be developed with other organizations involved in similar or related activities, and the relationship of the project to existing local, regional or State economic development plans.

i) Budget. A project budget by cost categories, including monthly projections of fund requirements, as required in the Department's application package.

Section 524.650 Review of Grant Applications
EMERGENCY

a) Application Screening. The Department shall screen all grant applications to determine that all elements of the application package have been addressed. Applicants will be notified of deficiencies in applications and given the opportunity to correct those deficiencies. Complete applications will be reviewed and evaluated by Department staff in accordance with the criteria listed in subsections (b) through (f) of this Section. This review and evaluation process will be completed within 45 working days after the due date for applications.

b) Basic Eligibility Evaluation. Each grant application will be reviewed to assure compliance with the Act and this Part.

c) Evidence of Need

1) The applicant must document need for the proposed redevelopment project. For example, the applicant may show need based on absence of infrastructure, potential opportunity for economic benefit, etc.

2) The applicant must provide proof of the project's inability to acquire financing in an amount adequate to complete the project, such as a letter of partial funding or indication that other program funding has been considered.

d) Costs. The applicant must demonstrate that the project costs are eligible program costs under the Act and this Part and can be substantiated given the amount of work to be undertaken and the results expected.

e) Program Objectives and Methodology. The applicant must demonstrate that the activities and outcomes of the project can be accomplished, in that:

1) objectives are measurable and describe benefit to the area being served; and

2) methods and sequence of activities logically address the problems or opportunities identified and achieve the objectives that have been set.

f) Financial Evaluation Component. The Department will conduct a financial analysis of each application received. The financial evaluation will include an analysis of the applicant's financial statements, including the annual balance sheets and profit and loss statements, for the past three years; the most recent 90

days and a three year projected balance sheet and profit and loss statement; and a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of these materials. These statements will be reviewed through a standard credit analysis that will determine the: liquidity and debt coverage of the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 2006-2007 edition of "RMA Annual Statement Studies" published by the Risk Management Association, 1801 Market Street, Suite 300, Philadelphia PA 19103-1628 or by email at customers@rmahq.org, or comparable source that more closely matches the applicant's business operation if the applicant's industry is evaluated by such sources. This standard credit analysis will determine the financial stability of the business organization.

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)

Section Numbers:	Peremptory Action:
310.290	Amendment
310.410	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) Sections 310.290, 310.410 and 310.Appendix A Table W to reflect two Memoranda of Understanding between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed September 28, 2006. One Memorandum of Understanding includes the Public Information Coordinator (title code 36750) (formerly MC-06) title in the bargaining unit RC-062 and assigns the pay grade RC-062-18 effective January 3, 2006. The second Memorandum of Understanding includes the out-of-state Revenue Tax Specialist II (title code 38572) positions (formerly Out-of-State Rate) in the bargaining unit RC-062. The second Memorandum of Understanding also assigns the pay grade RC-062-17 to positions in states other than California, Illinois or New Jersey and the pay grade RC-062-19 to positions in California or New Jersey effective June 12, 2006.

5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]

6) Effective Date: October 20, 2006

7) A Complete Description of the Subjects and Issues Involved: Section 310.290 Out-of-State or Foreign Service Rate is amended to remove the Revenue Tax Specialist II title's out-of-state information.

Section 310.410 Jurisdiction is amended to remove the Public Information Coordinator title's information.

Section 310.Appendix A Table W RC-062 (Technical Employees, AFSCME) is amended to add the following to the title table: the Public Information Coordinator title, its title code 36750, its bargaining unit RC-062 and its pay grade 18; the (IL) designation after the existing Revenue Tax Specialist II title; the Revenue Tax Specialist II (states other than CA, IL or NJ) title, its title code 38572, its bargaining unit RC-062 and its pay grade

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

17; and the Revenue Tax Specialist II (CA or NJ) title, its title code 38572, its bargaining unit RC-062 and its pay grade 19.

8) Does this rulemaking contain an automatic repeal date? No

9) Date filed with the Index Department: October 20, 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 rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
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
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
310.290	Amendment	30 Ill. Reg. 16504; 10/20/06
310.Appendix C	Amendment	30 Ill. Reg. 16504; 10/20/06
310.Appendix D	Amendment	30 Ill. Reg. 16504; 10/20/06
310.Appendix G	Amendment	30 Ill. Reg. 16504; 10/20/06

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:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
310.280 Designated Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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)
310.TABLE F RC-019 (Teamsters Local #25)
310.TABLE G RC-045 (Automotive Mechanics, IFPE)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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, 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,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

for a maximum of 150 days; peremptory 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; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory 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; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory 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; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory 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.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory 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; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory 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; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory 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; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory 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; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; 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.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory 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; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006.

SUBPART B: SCHEDULE OF RATES

Section 310.290 Out-of-State or Foreign Service Rate

a) Requirements – The out-of-state or foreign service rate is the rate of pay for employees not subject to Section 310.220 but occupying positions in the classification titles listed in subsection (d) that require payment in accordance with the economic conditions of another state or foreign country. The employee shall reside in the state or foreign country where the position is assigned.

b) Adjustments – The Director of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances. Effective December 2, 2005, the base salary for each employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in the employee's creditable service date. For foreign service rates listed in subsection (d), an adjustment shall be made once a month to

the base salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. Adjustments except those based on the currency exchange rate or those effective December 2, 2005, are suspended for non-union positions and employees.

c) Out-Of-State Rate Calculation – For out-of-state rates, ranges assigned to states other than California and New Jersey are 15% above the ranges assigned to in-state positions and are listed in subsection (d). Ranges assigned to California and New Jersey are 30% above the ranges assigned to in-state positions and are listed in subsection (d).

d) Minimum and Maximum Out-of-State or Foreign Service Rates in Ranges by Classification Title –

Title	Range December 2, 2005 minimum	maximum
Executive II		
(States Other Than California and New Jersey)	3401	6130
(CA, NJ)	3844	6929
Foreign Service Economic Development Executive I	4002	7365
Foreign Service Economic Development Executive II	5126	9654
Foreign Service Economic Development Representative	3400	6130
Office Administrator IV		
(States Other Than California and New Jersey)	2673	4630
(CA, NJ)	3021	5234
Office Assistant (Foreign Service)	2256	2976
Office Associate		
(States Other Than California and New Jersey)	2387	3204

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(CA, NJ)	2699	3622
Office Coordinator		
(States Other Than California and New Jersey)	2465	3327
(CA, NJ)	2786	3761
Public Service Administrator		
(States Other Than California and New Jersey)	3583	7843
(CA, NJ)	4051	8866
Revenue Tax Specialist I		
(States Other Than California and New Jersey)	2751	3803
(CA, NJ)	3110	4299
~~Revenue Tax Specialist II~~		
~~(States Other Than California and New Jersey)~~	~~2976~~	~~4209~~
~~(CA, NJ)~~	~~3364~~	~~4758~~
Revenue Tax Specialist Trainee		
(States Other Than California and New Jersey)	2546	3468
(CA, NJ)	2878	3921
Senior Public Service Administrator		
(States Other Than California and New Jersey)	4939	11607
(CA, NJ)	5584	13121

(Source: Peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions designated below and in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Title	Title Code	Salary Plan
Accountant Supervisor	00135	MC-05
Activity Therapist Supervisor	00163	MC-07
Actuary III	00203	MC-16
Administrative Assistant I	00501	MC-04
Administrative Assistant II	00502	MC-06
Agricultural Marketing Representative	00810	MC-05
Assignment Coordinator	01530	MC-07
Assistant Automotive Shop Supervisor	01565	MC-03
Automotive Shop Supervisor	03749	MC-07
Boat Safety Inspection Supervisor	04850	MC-06
Building Construction Inspector I	05541	MC-04
Building Construction Inspector II	05542	MC-05
Business Manager	05815	MC-05
Commerce Commission Police Sergeant	08457	MC-07
Corrections Leisure Activities Specialist III	09813	MC-06
Corrections Leisure Activities Specialist IV	09814	MC-07
Corrections Vocational School Supervisor	09880	MC-05
Court Reporter Supervisor	09903	MC-08
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
Disability Claims Analyst	12540	MC-06
Economic Development Representative I	12931	MC-05
Economic Development Representative II	12932	MC-07
Electrical Engineer	13180	MC-10
Employment Security Field Office Supervisor	13600	MC-06
Engineering Technician IV	13734	MC-07
Executive I	13851	MC-05
Executive II	13852	MC-07
Executive Secretary II	14032	MC-01
Executive Secretary III	14033	MC-02
Facility Fire Chief	14433	MC-02
Guard Supervisor	17685	MC-01
Guardianship Supervisor	17720	MC-07
Highway Construction Supervisor I	18525	MC-07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Highway Construction Supervisor II	18526	MC-09
Historical Library Chief of Acquisitions	18987	MC-06
Human Rights Mediator	19771	MC-05
Human Services Casework Manager	19788	MC-07
Internal Auditor I	21721	MC-05
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
International Marketing Representative I	21761	MC-05
KidCare Supervisor	22003	MC-07
Laundry Manager I	23191	MC-01
Librarian II	23402	MC-05
Lottery Regional Coordinator	24504	MC-07
Management Operations Analyst I	25541	MC-06
Manuscripts Manager	25610	MC-06
Meat and Poultry Inspector Supervisor	26073	MC-05
Mental Health Administrator I	26811	MC-05
Mental Health Administrator II	26812	MC-07
Mental Health Program Administrator	26908	MC-20
Methods and Procedures Advisor III	27133	MC-07
Office Administrator IV	29994	MC-02
Office Administrator V	29995	MC-03
Plumbing Consultant	32910	MC-09
Police Lieutenant	32977	MC-09
Private Secretary I	34201	MC-02
Private Secretary II	34202	MC-04
Property Tax Analyst III	34923	MC-05
Public Aid Family Support Specialist II	35842	MC-05
Public Aid Quality Control Supervisor	35900	MC-07
Public Aid Staff Development Specialist III	36073	MC-06
Public Health Program Specialist III	36613	MC-07
~~Public Information Coordinator~~	~~36750~~	~~MC-06~~
Radiologic Technologist Chief	37505	MC-03
Rehabilitation Workshop Supervisor III	38196	MC-05
Reimbursement Officer II	38200	MC-05
Reproduction Service Supervisor II	38202	MC-04
Residential Care Program Supervisor I	38271	MC-06
Safety Responsibility Analyst Supervisor	38915	MC-02
Security Officer Chief	39875	MC-04

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Security Officer Lieutenant	39876	MC-02
Security Therapy Aide IV	39904	MC-05
Sign Shop Foreman	41000	MC-06
Staff Development Specialist I	41771	MC-05
Staff Development Technician II	41782	MC-03
Statistical Research Specialist III	42743	MC-06
Statistical Research Supervisor	42745	MC-07
Storekeeper III	43053	MC-01
Supervising Vehicle Testing Compliance Officer	43680	MC-06
Switchboard Chief Operator	44410	MC-01
Technical Advisor I	45251	MC-05
Technical Advisor II	45252	MC-07
Telecommunications Supervisor	45305	MC-07
Utility Engineer I	47451	MC-05
Utility Engineer II	47452	MC-07
Vehicle Emissions Compliance Supervisor	47583	MC-05
Waterways Construction Supervisor I	49061	MC-05
Waterways Construction Supervisor II	49062	MC-07

(Source: Peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 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)

Title	Title Code	Bargaining Unit	Pay Grade
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
Behavioral Analyst II	04352	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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 Coordinator	36750	RC-062	18
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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
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 (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA	38572	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

or NJ)			
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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).

Effective July 1, 2006
Bargaining Unit: RC-062

Pay Grade	Pay Plan	STEPS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	Code	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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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	STEPS 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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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	5979	6306	6640	6977	7302	7631	8123	8367
26	U	5419	5581	5750	5979	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

(Source: Peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006)

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers:
140.534
140.560
140.569

4) Date Proposal Published in Illinois Register: April 14, 2006; 30 Ill. Reg. 6230 (Sections 140.534 and 140.560) and January 27, 2006; 30 Ill. Reg. 1231 (Section 140.569)

5) Date Adoption Published in Illinois Register: September 1, 2006; 30 Ill. Reg. 14280

6) Summary and Purpose of Expedited Correction: It was brought to the Department's attention that the following nonsubstantive errors were present in the rulemaking that was adopted at 30 Ill. Reg. 14280, effective August 18, 2008, and HFS feels that it is in the public interest that corrections be made:

The Table of Contents is missing the "140.405 SeniorCare Pharmaceutical Benefit (Repealed) entry. The existing "140.431" should be "140.432", and "140.431 Services Not Covered by Independent Clinical Laboratories" should be in the Table of Contents.

Above Section 140.534, there should be no Subpart heading.

In Section 140.435(f), the 4th and 5th sentences should be reversed.

In Section 140.560(e), in the second sentence "calculation" should follow "rate"; in subsection (f)(4), twice the article "a" should not precede "part".

In Section 140.569(a)(1), "Exceptional Care" should be lower care.

7) Information and questions regarding this request shall be directed to:

Tamara Tanzillo Hoffman
Chief of Administration and Rules
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002
217/557-7157

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

140.20 Submittal of Claims
140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)
140.361 Non-Participating Hospitals (Recodified)
140.362 Pre July 1, 1989 Services (Recodified)
140.363 Post June 30, 1989 Services (Recodified)
140.364 Prepayment Review (Recodified)
140.365 Base Year Costs (Recodified)
140.366 Restructuring Adjustment (Recodified)
140.367 Inflation Adjustment (Recodified)
140.368 Volume Adjustment (Repealed)
140.369 Groupings (Recodified)
140.370 Rate Calculation (Recodified)
140.371 Payment (Recodified)
140.372 Review Procedure (Recodified)
140.373 Utilization (Repealed)
140.374 Alternatives (Recodified)
140.375 Exemptions (Recodified)
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

Section
140.400 Payment to Practitioners
140.402 Copayments for Noninstitutional Medical Services
140.405 SeniorCare Pharmaceutical Benefit (Repealed)
140.410 Physicians' Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425 Podiatry Services
140.426 Limitations on Podiatry Services
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428 Chiropractic Services
140.429 Limitations on Chiropractic Services (Repealed)
140.430 Independent Clinical Laboratory Services
140.431 Services Not Covered by Independent Clinical Laboratories
140.432 Limitations on Independent Clinical Laboratory Services
140.433 Payment for Clinical Laboratory Services
140.434 Record Requirements for Independent Clinical Laboratories
140.435 Advanced Practice Nurse Services
140.436 Limitations on Advanced Practice Nurse Services
140.438 Imaging Centers
140.440 Pharmacy Services
140.441 Pharmacy Services Not Covered
140.442 Prior Approval of Prescriptions
140.443 Filling of Prescriptions
140.444 Compounded Prescriptions
140.445 Legend Prescription Items (Not Compounded)
140.446 Over-the-Counter Items
140.447 Reimbursement
140.448 Returned Pharmacy Items
140.449 Payment of Pharmacy Items

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

140.450 Record Requirements for Pharmacies
140.451 Prospective Drug Review and Patient Counseling
140.452 Mental Health Services
140.453 Definitions
140.454 Types of Mental Health Services
140.455 Payment for Mental Health Services
140.456 Hearings
140.457 Therapy Services
140.458 Prior Approval for Therapy Services
140.459 Payment for Therapy Services
140.460 Clinic Services
140.461 Clinic Participation, Data and Certification Requirements
140.462 Covered Services in Clinics
140.463 Clinic Service Payment
140.464 Hospital-Based and Encounter Rate Clinic Payments
140.465 Speech and Hearing Clinics (Repealed)
140.466 Rural Health Clinics (Repealed)
140.467 Independent Clinics
140.469 Hospice
140.470 Eligible Home Health Providers
140.471 Description of Home Health Services
140.472 Types of Home Health Services
140.473 Prior Approval for Home Health Services
140.474 Payment for Home Health Services
140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.479 Limitations, Medical Supplies
140.480 Equipment Rental Limitations
140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482 Family Planning Services
140.483 Limitations on Family Planning Services
140.484 Payment for Family Planning Services
140.485 Healthy Kids Program
140.486 Illinois Healthy Women
140.487 Healthy Kids Program Timeliness Standards
140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

140.490 Medical Transportation
140.491 Limitations on Medical Transportation
140.492 Payment for Medical Transportation
140.493 Payment for Helicopter Transportation
140.494 Record Requirements for Medical Transportation Services
140.495 Psychological Services
140.496 Payment for Psychological Services
140.497 Hearing Aids
140.498 Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

Section
140.500 Long Term Care Services
140.502 Cessation of Payment at Federal Direction
140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement
140.510 Determination of Need for Group Care
140.511 Long Term Care Services Covered By Department Payment
140.512 Utilization Control
140.513 Notification of Change in Resident Status
140.514 Certifications and Recertifications of Care (Repealed)
140.515 Management of Recipient Funds – Personal Allowance Funds
140.516 Recipient Management of Funds
140.517 Correspondent Management of Funds
140.518 Facility Management of Funds
140.519 Use or Accumulation of Funds
140.520 Management of Recipient Funds – Local Office Responsibility
140.521 Room and Board Accounts
140.522 Reconciliation of Recipient Funds
140.523 Bed Reserves
140.524 Cessation of Payment Due to Loss of License
140.525 Quality Incentive Program (QUIP) Payment Levels
140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527 Quality Incentive Survey (Repealed)
140.528 Payment of Quality Incentive (Repealed)

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

140.529 Reviews (Repealed)
140.530 Basis of Payment for Long Term Care Services
140.531 General Service Costs
140.532 Health Care Costs
140.533 General Administration Costs
140.534 Ownership Costs
140.535 Costs for Interest, Taxes and Rent
140.536 Organization and Pre-Operating Costs
140.537 Payments to Related Organizations
140.538 Special Costs
140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541 Salaries Paid to Owners or Related Parties
140.542 Cost Reports – Filing Requirements
140.543 Time Standards for Filing Cost Reports
140.544 Access to Cost Reports (Repealed)
140.545 Penalty for Failure to File Cost Reports
140.550 Update of Operating Costs
140.551 General Service Costs Updates
140.552 Nursing and Program Costs
140.553 General Administrative Costs Updates
140.554 Component Inflation Index (Repealed)
140.555 Minimum Wage
140.560 Components of the Base Rate Determination
140.561 Support Costs Components
140.562 Nursing Costs
140.563 Capital Costs
140.565 Kosher Kitchen Reimbursement
140.566 Out-of-State Placement
140.567 Level II Incentive Payments (Repealed)
140.568 Duration of Incentive Payments (Repealed)
140.569 Clients With Exceptional Care Needs
140.570 Capital Rate Component Determination
140.571 Capital Rate Calculation
140.572 Total Capital Rate
140.573 Other Capital Provisions
140.574 Capital Rates for Rented Facilities

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

140.575 Newly Constructed Facilities (Repealed)
140.576 Renovations (Repealed)
140.577 Capital Costs for Rented Facilities (Renumbered)
140.578 Property Taxes
140.579 Specialized Living Centers
140.580 Mandated Capital Improvements (Repealed)
140.581 Qualifying as Mandated Capital Improvement (Repealed)
140.582 Cost Adjustments
140.583 Campus Facilities
140.584 Illinois Municipal Retirement Fund (IMRF)
140.590 Audit and Record Requirements
140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643 In-Home Care Program
140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647 Description of Developmental Training (DT) Services
140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650 Certification of Developmental Training (DT) Programs
140.651 Decertification of Day Programs
140.652 Terms of Assurances and Contracts
140.680 Effective Date Of Payment Rate
140.700 Discharge of Long Term Care Residents
140.830 Appeals of Rate Determinations
140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

Section
140.850 Reimbursement of Administrative Expenditures
140.855 Administrative Claim Review and Reconsideration Procedure
140.860 County Owned or Operated Nursing Facilities
140.865 Sponsor Qualifications (Repealed)
140.870 Sponsor Responsibilities (Repealed)

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

140.875 Department Responsibilities (Repealed)
140.880 Provider Qualifications (Repealed)
140.885 Provider Responsibilities (Repealed)
140.890 Payment Methodology (Repealed)
140.895 Contract Monitoring (Repealed)
140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901 Functional Areas of Needs (Recodified)
140.902 Service Needs (Recodified)
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
140.906 Reconsiderations (Recodified)
140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program (Recodified)
140.912 Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
140.920 General Description
140.922 Covered Services
140.924 Maternal and Child Health Provider Participation Requirements
140.926 Client Eligibility (Repealed)
140.928 Client Enrollment and Program Components (Repealed)
140.930 Reimbursement
140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942 Definition of Terms (Recodified)

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)
140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

140.TABLE A Medichek Recommended Screening Procedures (Repealed)
140.TABLE B Geographic Areas
140.TABLE C Capital Cost Areas
140.TABLE D Schedule of Dental Procedures
140.TABLE E Time Limits for Processing of Prior Approval Requests
140.TABLE F Podiatry Service Schedule
140.TABLE G Travel Distance Standards
140.TABLE H Areas of Major Life Activity
140.TABLE I Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J HSA Grouping (Repealed)
140.TABLE K Services Qualifying for 10% Add-On (Repealed)
140.TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M Enhanced Rates for Maternal and Child Health Provider Services

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

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, l983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill.

Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg.7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989;

amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992;

emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995;

amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957,

effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days;

emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 30 Ill. Reg. 17635, effective August 18, 2006.

~~SUBPART E: GROUP CARE~~

Section 140.534 Ownership Costs

Ownership costs are allowable as follows:

a) Depreciation
Depreciation on care related assets is an allowable cost subject to the following conditions:

1) Depreciation must be computed on a straight-line basis, starting from the date of completion or installation.

2) Depreciation must be based on historical cost of the asset (purchased assets) or fair market value at the time of donation or inheritance of the asset (donated or inherited assets).

3) Depreciation must be spread over the useful life of the asset using the American Hospital Association guidelines followed by Medicare at a minimum.

~~b) Acquisitions of Fixed Equipment~~
If an item has, at the time of its acquisition, an estimated useful life of at least two years and a historical cost of at least $2,500, its cost must be capitalized and depreciated over the estimated useful life of the asset using the straight-line method of depreciation. If an item has an historical cost of less than $2,500, or if the item has a useful life of less than two years, its cost must be expensed in the cost report year it was incurred.

~~c) Betterments and Improvements~~

Betterments and improvements extend the life, increase the productivity, or significantly improve the safety (for example, asbestos removal) of an asset as opposed to repairs and maintenance that either restore the asset to, or maintain it at, its normal or expected service life. To be capitalized, the betterment or improvement must be $2,500 or more. Generally accepted accounting principles relating to improvements or betterments must be followed in determining the asset valuation. Repair or maintenance of a nature that restores an asset to its original condition but does not extend its useful life is not a betterment or improvement but an expense of that period.

~~d) Repair Costs~~

Repair costs restore the asset to normal working condition and expected service life. Single items of repair that cost $2,500 or more and have a life of two years or more are to be considered as capital improvements and depreciated over the useful life of the item. All other repairs must be expensed in the cost report year the cost was incurred. Maintenance costs are always expensed in the cost report year in which they are incurred.

e) Movable Equipment Costs

Single items of movable equipment at a cost of $2,500 or more having an estimated useful life of two years or longer must be capitalized. For cost reporting purposes, the term movable equipment will include all equipment items referred to in the most current edition of the American Hospital Association guidelines followed by Medicare. Items purchased in quantity must also be compared to the $2,500 threshold.

f) Painting and Wallpaper

Painting and wallpapering costs of $2,500 or more in total for the year will be allowed to be capitalized and depreciated over five years. When the cost is fully depreciated, it must be removed from the cost report in the year it becomes fully depreciated. The choice of whether to capitalize these costs must be made at the time the cost report is filed. If total costs are under $2,500 or an election to capitalize and depreciate over five years is not made, the painting and wallpapering costs must be expensed in the year incurred. Once the cost report is properly filed, no changes to the classification of the painting and wallpapering costs will be allowed. ~~If total costs are under $2,500 or an election to capitalize and depreciate over five years is not made, the painting and wallpapering costs must be expensed in the year incurred.~~

g) Disposal of Assets

For building costs, only capital assets that are specifically identified on the cost report are capable of being removed from the cost report as a retired or disposed of asset. Movable equipment items should be removed from the cost report when they are retired. Depreciable assets may be disposed of through sale, scrapping, trade-in, donation, exchange, demolition, abandonment or involuntary conversions such as condemnation, fire, theft or other casualty. When an asset has been retired from active service but is being held for standby or emergency services, the asset must be reported in the non-care section of the cost report.

h) Central Office Assets
For building costs allocated from a central office, the total cost allocation to an individual facility is limited to five percent of the total building cost for the current owner of the nursing home building. If the current operator leases the building from an unrelated party, the five percent is limited to the Original Building Base Cost as defined in Section 140.570. The central office allocation is not included in the total building cost for the current owner or the Original Building Base Cost that will be used in the five percent calculation. Allocated central office buildings are subject to the standards of Section 140.563.

i) Partnership Assets
The basis of assets of a partnership are not allowed to be increased due to a partner buyout.

j) Change of Ownership
For any change of ownership after July 18, 1984, the cost basis of any asset for determination of allowable depreciation expense shall be the lesser of the allowable acquisition cost of the asset of the first owner of record on or after July 18, 1984, or the acquisition cost of the asset to the new owner.

(Source: Expedited correction at 30 Ill. Reg. 17635, effective August 18, 2006)

Section 140.560 Components of the Base Rate Determination

Except as specified otherwise in this Section, rates calculated for the rate year beginning July 1, 1990 and for subsequent years thereafter shall be based on the facility's cost report for the facility's full fiscal year ending at any point in time during the previous calendar year as long as that cost report is filed prior to April 1. Otherwise, the latest cost report available on March 31 will be used to set rates for July 1. For example, if a facility with a December 31, 1989 year end files their cost report prior to April 1, 1990, that cost report will be used to set rates for the rate year to begin on July 1, 1990. In this example, if the December 31, 1989 cost report is not filed

until after March 31, 1990, the December 31, 1988 cost report will be used to set rates for the rate year to begin on July 1, 1990.

a) In the case of a change in ownership of a previously certified facility, the rate issued to the previous owner will be in effect for the remainder of the rate year. A new rate will be calculated for the next rate year based on the new owner's cost report if a cost report covering a minimum of the first six months of operation is received by the Bureau of Health Finance prior to April 1 st. If a cost report covering the first six or more months of operation for the new owner cannot be filed with the Bureau of Health Finance prior to April 1 st, the rate will be calculated based upon the prior owner's cost report filed in accordance with the opening paragraph of this Section. A cost report that has not been completed in accordance with the Department's rules and cost report instructions will not be considered as received until all cost report pages are properly completed.

b) In the case of a new facility, capital reimbursement will be assigned on the receipt of the first cost report (which may be an abbreviated cost report). The support reimbursement will be set at the median for that region. The facility must then file a six-month cost report (beginning with the date the first patient was admitted) that contains actual historical cost information. The capital and support rates will then be recalculated based upon this cost report. Rates so calculated will become effective on the first day of the first month after the six-month cost report is received by the Department's Bureau of Health Finance. The facility must obtain written verification of the initial cost reporting periods from the Bureau of Health Finance.

c) When a construction addition to the building will increase the licensed bed capacity by ten percent or more, the facility may file a revised cost report reflecting the increased capital investment. If this revised cost report is filed within 30 days after the date of the increase in licensure as determined by the Illinois Department of Public Health, any increase in the capital rate will be effective on the effective date of licensure increase. If the revised cost report is filed more than 30 days after the effective date of increase in licensure, any increase in the capital rate will be effective on the first day of the first month after the report is received by the Bureau of Health Finance.

d) Once a rate for an individual facility has been calculated, a new rate will not be calculated during the course of the rate year except as provided in subsections (b) and (c) of this Section.

e) If a facility incurs building construction improvements that increase the total building cost for the current owner by ten percent or more and that would raise the base year, then the nursing home may file a revised cost report that reports the increased capital investment. Only facility building construction improvements completed after the end of the period of the report used to calculate the last capital rate calculation can be used to meet the ten percent requirement. Purchases of buildings for use by the facility and allocations of central office buildings and improvements cannot be used to meet the ten percent requirement. The base year is defined in Section 140.570(b)(2). If the improvements have been completed and put into use prior to the forthcoming rate year and the cost report reflecting increased capital costs is filed prior to the beginning of the next rate year, then any increase in the capital rate will be effective on the first day of the rate year.

f) In order to accommodate the downsizing to close or reduce bed capacity of ICF/MR facilities licensed for ICF/DD or SNF/PED Services, the following provisions will apply. These provisions only apply for facilities with 17 or more licensed beds that decrease their total licensed beds by 20 percent or more due to a decrease in the beds licensed as ICF/DD or SNF/PED. The reduced bed capacity must be necessary to achieve one or more of the following goals: achieve compliance with ICF/MR regulations, such as four or fewer persons per room; achieve compliance with ICF/MR regulations in an adverse action as part of a Plan of Correction (see the Department of Public Health rules at 77 Ill. Adm. Code 300.278); increase available space in order to provide active treatment services to residents; and permit the voluntary closure of a facility in order to achieve community placement to settings of size eight or fewer residents, provided sufficient funds are available to the Department of Human Services (DHS).

1) The facility must request pre-approval for application of these provisions from the DHS Director of the Division of Disability and Behavioral Health Services (DDBHS). The written request must describe the necessity to reduce licensed bed capacity. The facility must submit a proposed timetable for the downsizing, including the projected dates of each decrease in census and the census on that date (the benchmark). Written approval may be granted if DHS determines the change will be beneficial for the ICF/DD or SNF/PED residents. If approval is granted, DHS will enter into a downsizing agreement with the facility with provisions including the downsizing plan, benchmarks, rate adjustments and items of compliance regarding the safety and placement of residents.

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

2) The reduction in the number of licensed beds must be completed within a one-year period following the DDBHS Director's approval, unless a longer reduction period is approved by the Deputy Director at the onset of the plan. Not fewer than 90 days prior to the projected end date of the downsizing plan, the facility must make application to the Department of Public Health (DPH) for a formal licensure change to reflect the number of licensed beds, if any, to remain at the conclusion of the downsizing plan. The effective date of the licensed bed change will be the actual date the final resident benchmark census objective is reached.

3) A facility is ineligible for downsizing if the facility has been notified in writing by DPH of a need for a Plan of Correction for non-compliance with conditions of participation, Type A violations, licensure non-compliance, or because the facility has been declared an "immediate and serious threat" to the welfare of any resident or residents in the one-year period preceding the date of a request for application of these downsizing provisions unless the DDBHS Director has granted the facility a waiver of this one year requirement.

4) When DPH notifies a facility in writing of a need for a Plan of Correction for non-compliance with conditions of participation, Type A violations, licensure non-compliance, or because the facility has been declared an "immediate and serious threat" to the welfare of any resident, the facility may seek DHS approval of a downsizing plan concurrently as ~~a~~ part of a Plan of Correction to DPH in accordance with the time frames and process allotted by DPH. If a downsize application is not made at this time and as ~~a~~ part of a Plan of Correction, the facility is ineligible for downsizing.

5) During the downsizing period, the facility may not accept any admissions except with explicit permission of DHS. The facility must agree to make every effort to insure immediate notification (within 72 hours) to DHS and to the local DHS office of all changes in recipient enrollment, eligibility, income, assets, earnings and other status. The facility must agree to make available to DHS and interested parties such records as necessary to disclose the type and quantity of care provided to specific residents, as well as physicians' reports, need for care, level of functioning and orders for services. The facility must agree to provide access to resident care records and facility records and policies concerning resident care throughout the downsizing period.

6) The capital and support rates in effect at the time of approval of the downsizing plan (exclusive of any flat add-on rate increases) will be modified for downsizing in accordance with subsection (f)(9) of this Section.

7) The capital and support rates will be revised with the achievement of the benchmarks specified in the downsizing agreement during the approved downsizing period.

A) The capital rate will be increased in proportion to the agreed on decrease in the census achieved at the end of each benchmark period from the census at the start of the downsizing period. For example, with an original census of 98 residents at the start of the downsizing period and the achievement of a reduction of eight residents to reach the benchmark of 90 residents, the initial $7.41 capital rate will be increased to $8.07 as follows: (the initial capital rate) is multiplied by (the original census that has been divided by the achieved census reduction), or ($7.41) X (98/90 or 1.089) = $8.07.

B) The support rate will be increased in proportion to the decrease in census achieved at the end of each benchmark period from the census at the start of the downsizing period, with the assumption that 50 percent of the support costs are fixed and 50 percent of the support rate is variable (for example, costs vary as the number of residents varies). The fixed half of the support rate will be increased in proportion to the achieved decrease at the end of each benchmark period. For example, with an original support rate of $22, the support rate would be [(.5 X $22) X (98/90)] + (.5 X $22) = $22.98.

C) The program rate will be set according to the methodology in DHS rules at 89 Ill. Adm. Code 144 (exclusive of any flat add-on increases).

8) The support rate for ICF/DD facilities may not exceed the facility's geographic area ceiling. Facilities having SNF/PED licenses that are reducing facility census to comply with ICF/MR regulations that limit the number of persons per bedroom to four or fewer may exceed the facility's geographic area ceiling but by no more than 125 percent. The exception

allowing SNF/PED facilities to exceed the support rate geographic area ceiling will only be based on the reduction in census to attain four or fewer persons per bedroom. If a SNF/PED facility reduces census below that required to attain four persons per bedroom, the support rate may not exceed the facility's geographic area ceiling.

9) At the conclusion of the downsizing period the capital, support and program rates will be determined as follows:

A) The capital rate component will be fixed at the final downsizing rate and will remain in effect until such time as the rate methodology in effect produces a rate based on the downsized licensed capacity that surpasses the downsize capital rate amount. The final downsize capital rate will be increased by funding changes such as cost of living increases, when given. All space in the facility must continue to be used as an ICF/DD or SNF/PED. Use of the facility for an on-site developmental training program, school services or uses unrelated to the operation of the facility as an ICF/DD or SNF/PED, will require the calculation of the capital rate according to the methodology of Sections 140.570 through 140.574 after an adjustment of the facility's capital costs in proportion to the involved square footage. This capital rate will be effective the first day of the month following the change in space usage. Capital improvements to the downsized facility may be made and will be reimbursed as an increase to the downsize capital rate determined as the applicable percentage rate of return of the capital methodology times the per diem per bed reported amount of the improvement. The support rate in effect at the end of the downsizing period will remain in effect until a cost report covering the first six months of operation of the downsized facility is submitted as would be applicable to a new facility in accordance with provisions in subsection (b) of this Section. These six-month costs and the corresponding days of care will be used to set the support rate in accordance with the support component rate methodology in effect.

B) The program rate will be set according to the methodology described at 89 Ill. Adm. Code 144.

(Source: Expedited correction at 30 Ill. Reg. 17635, effective August 18, 2006)

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

Section 140.569 Clients With Exceptional Care Needs

a) Exceptional Care Program

1) Effective January 1, 2007, exceptional care services shall be covered under the MDS-based reimbursement methodology as described in 89 Ill. Adm. Code 147.Table A. As long as the nursing facility's case mix, as determined by total minutes from 89 Ill. Adm. Code 147.Table A, does not decrease in excess of five percent when compared to the case mix as of June 30, 2006, exceptional care reimbursement shall be converted to a per diem computed as the sum of all exceptional care daily payments less the residential rate made to the facility on June 30, 2006 divided by the total number of residents that are paid nursing and exceptional care rates as of June 30, 2006. No new residents will be accepted into the Exceptional Care Program after December 31, 2006. All facility exceptional care~~Exceptional Care~~ contracts will be terminated December 31, 2006. The provisions of this Section governing the Exceptional Care Program remain in place through December 31, 2006.

2) Pursuant to Section 5-5.8a of the Illinois Public Aid Code [305 ILCS 5/5-5.8a], the Department may make payments for exceptional care services to nursing facilities ("providers") that meet licensure and certification requirements as may be prescribed by the Department of Public Health and are enrolled in and meet participation requirements of the Medical Assistance Program pursuant to Sections 140.11 and 140.12.

3) Exceptional medical care is defined as the level of care with extraordinary costs related to services which may include physician, nurse, ancillary specialist services, and medical equipment and/or supplies that have been determined to be a medical necessity. This shall apply to Medicaid patients who are being discharged from the hospital or other setting where Medicaid reimbursement is at a rate higher than the exceptional care rate for related services or to persons who are in need of exceptional care services who would otherwise be in an alternative setting at a higher cost to the Department and Medicaid eligible residents transitioning from Medicare to Medicaid while in the nursing facility. This includes but is not limited to head-injured persons, ventilator dependent persons or persons with HIV/AIDS.

4) The Department shall negotiate rates with facilities requesting payment for exceptional care services (see Section 5-5.8a of the Public Aid Code [305 ILCS 5/5-5.8a]). In determining the rates of payment, the Department shall consider data collected from exceptional care providers during fiscal year 1994, any intervening rate adjustments (including any updates for inflation) and the average cost of each service category for the geographic area in which the facility is located. After approval of negotiated rates, the Department shall annually update a facility's rates for inflation.

b) Exceptional Care Requirements
The Department may enter into agreements with providers for the provision of exceptional care services only if the provider agrees to the following terms:

1) The provider will maintain separate records regarding costs related to the care of the exceptional care residents.

2) The provider must demonstrate the capacity and capability to provide exceptional care as documented by Department of Public Health and Department of Healthcare and Family Services records, including, but not limited to, being free of finalized Department of Public Health findings (exhaustion of appeals process with deficiencies remaining) after January 1, 1997, that the provider has deficiencies related to substandard quality of care during the period of time since the last standard certification survey or imposition of a conditional license.

3) The provider must maintain and provide documentation demonstrating:

A) Adherence to staffing requirements as set out in subsection (c) of this Section;

B) Adherence to staff training requirements as set out in subsection (d) of this Section;

C) Validity of written agreements as required in subsection (e) of this Section;

D) Presence of emergency policy and procedures as set out in subsection (f) of this Section;

E) Medical condition of the resident; and

F) Care, treatments and services provided to the resident.

4) The provider must have and maintain physical plant adaptations to accommodate the necessary equipment, such as an emergency electrical backup system.

c) Exceptional Care Staffing Requirements
Staffing requirements for providers of exceptional care include:

1) A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health in 77 Ill. Adm. Code 300.1240 or 250.910(e) and (f)(1) as appropriate). Additional RN staff may be determined necessary by the Department of Healthcare and Family Services, based on the Department's review of the exceptional care services needs;

2) A minimum of the required number of LPN staff (as required by the Department of Public Health in 77 Ill. Adm. Code 300.1230 and 300.1240 or 250.910(e) and (f)(1) as appropriate), on duty, with an RN on call, if not on duty on the evening and night shifts, seven days per week; and

3) For those providers of complex respiratory or ventilator services under the exceptional care program, a certified respiratory therapy technician or registered respiratory therapist, on staff or on contract with the provider.

d) Training Requirements for Providers of Exceptional Care for Ventilator Dependent Residents

1) At least one of the full-time professional nursing staff members must have successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a certified respiratory therapy technician or registered respiratory therapist or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons.

2) All staff caring for ventilator dependent residents must have documented inservice training in ventilator care prior to providing such care. Inservice training must be conducted at least annually by a certified respiratory therapy technician or registered respiratory therapist or a qualified

registered nurse who has at least one year experience in the care of ventilator dependent persons. Inservice training documentation shall include name and qualification of the inservice director, duration of presentation, content of presentation and signature and position description of all participants.

e) Exceptional Care Agreement Requirements
The provider must have a valid written agreement with:

1) A medical equipment and supply provider which must include a service contract for ventilator equipment when accepting ventilator dependent residents;

2) A local emergency transportation provider;

3) A local hospital capable of providing the necessary care for equipment dependent residents, when appropriate; and

4) A certified respiratory therapy technician or registered respiratory therapist (unless a respiratory therapist is on staff within the facility), when accepting ventilator dependent residents or residents requiring respiratory therapy services.

f) Exceptional Care Emergency Policy and Procedures Requirements
The provider must have specific written policies and procedures addressing emergency needs for residents requiring exceptional care.

g) Accessibility to Records
The provider must make accessible to HFS and/or IDPH all provider, resident and other records necessary to determine that the needs of the resident are being met and to determine the appropriateness of exceptional care services.

h) Provider Approval Process

1) A provider shall notify the Department, in writing, of its interest in participating in the Exceptional Care Program.

2) If approved by the Department, a written exceptional care agreement with the provider shall be executed. Such agreements are separate and distinct from the provider agreements specified in Section 140.11(a)(6) and are not

subject to the provisions regarding notice and right to hearing in the event of termination specified in 89 Ill. Adm. Code 104.208 and 104.210.

3) Providers desiring to discontinue providing exceptional care shall notify the Department, in writing, at least 60 days prior to the date of termination. Payment for exceptional care residents already residing in facilities which notify the Department that they wish to discontinue providing exceptional care services will remain at the previous exceptional care rate as long as the resident meets exceptional care criteria and as long as all related criteria are met by the provider as determined by the Department's utilization review (see Monitoring, subsections (k)(2) and (3) of this Section) or the resident is discharged.

4) It is the responsibility of the provider to effect appropriate discharge planning for exceptional care residents when terminating services for exceptional care. The Department agrees to assist providers with any information available regarding appropriate placement settings.

5) The Department may terminate a provider's agreement, for any reason, upon 60 days written notice to the provider. Reasons for which the Department may terminate an agreement include, but are not limited to, Department of Public Health findings that the provider has deficiencies related to substandard quality of care or imposition of a conditional license.

i) Determining Eligibility for Exceptional Care Payment

1) A person being discharged from a hospital or those who are in another setting must be approved by an authorized Department representative prior to placement in a facility to be eligible for exceptional care payment.

2) In order for a person to be approved for exceptional care reimbursement, the cost of the person's care must be at least 50% more than the proposed admitting provider's Medicaid per diem rate (capital, support and nursing components). Eligible items that may be used in computing the cost of the resident's care include nursing services costs, therapy services costs, and medical equipment and supply costs. Computations for determining cost of care shall be based upon costs for services, medical equipment and supplies for the proposed admitting provider as determined by the Department.

HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

j) Provision for Hospital Patients for which a Long Term Care Placement is Unavailable
In the event placement for a patient in need of exceptional care services or skilled nursing services cannot be located, the Department shall approve payment to the hospital in which the patient is receiving services at a rate not to exceed the average Statewide long term care provider per diem for the level of services provided.

k) Monitoring

1) All utilization controls applied to exceptional care by the Department in accordance with the approved plan for medical services under the Illinois Public Aid Code [305 ILCS 5/5-2], and Title XIX of the Federal Social Security Act (42 USC 1396a) shall continue to apply to exceptional care provided under the Exceptional Care Program described in the Health Finance Reform Act [20 ILCS 2215/3-5].

2) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with Medical Peer Review organizations to provide utilization review and quality assurance.

3) The Department shall review exceptional care residents' utilization of services every 90 days. A review may be waived by the Department if one or more previous assessments show that a resident's condition has stabilized. However, two consecutive reviews shall not be waived. Department staff will maintain contact with the long term care provider regarding the resident's condition during the time period any assessment is waived.

4) In the event that it is determined that the resident is no longer in need of or receiving exceptional care services, the Department shall discontinue the exceptional care payment rate for the resident and reduce the rate of payment to the provider to the provider's standard Medicaid per diem rate.

(Source: Expedited correction at 30 Ill. Reg. 17635, effective August 18, 2006)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF CORRECTION TO NOTICE ONLY

1) Heading of the Part: Hospital Licensing Requirements

2) Code Citation: 77 Ill. Adm. Code 250

3) The Notice of Proposed Amendments being corrected appeared at 30 Ill. Reg. 16191, dated October 13, 2006.

4) The information being corrected is as follows:

10) Are there any other proposed rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	Illinois Register Citation
250.435	Amendment	September 15, 2006; 30 Ill. Reg. 14758

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF RESCINDED SUSPENSION 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 rescinded the suspension against Premium Financial Network, Inc., 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 October 17, 2006. For further reference link to: www.idfpr.com.

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 Advocate Financial Services, Inc., License No. MB.0006028 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective October 16, 2006. For further reference link to: www.idfpr.com

EXECUTIVE ETHICS COMMISSION

NOTICE OF REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Executive Ethics Commission, 2 Ill. Adm. Code 1620.300 (new section).

1) Rulemaking:

A) Description: The purpose of this rulemaking is to govern the investigations of the Executive Inspectors General.

B) Statutory Authority: Implementing and authorized by the State Employees and Officials Ethics Act, particularly 5 ILCS 430/20-15(1).

C) Scheduled meeting/hearing dates: None at this time. The proposed amendment will be submitted to the Executive Inspectors General and executive branch ethics officers prior to the First 45-day notice period.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Chad Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring Street, Room 403
William Stratton Building
Springfield, Illinois 62706
217/558-1393

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Executive Ethics Commission, 2 Ill. Adm. Code 1620.330.

1) Rulemaking:

EXECUTIVE ETHICS COMMISSION

NOTICE OF REGULATORY AGENDA

A) Description: The purpose of this rulemaking is to revise and update section 1620.330, Opening an Investigation File.

B) Statutory Authority: Implementing and authorized by the State Employees and Officials Ethics Act, particularly 5 ILCS 430/20-15(1).

C) Scheduled meeting/hearing dates: None at this time. The proposed amendment will be submitted to the Executive Inspectors General and executive branch ethics officers prior to the First 45-day notice period.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Chad Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring Street, Room 403
William Stratton Building
Springfield, Illinois 62706
217/558-1393

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Executive Ethics Commission, 2 Ill. Adm. Code 1620.360.

1) Rulemaking:

A) Description: The purpose of this rulemaking is to revise and update section 1620.360, Investigations Not Concluded Within Six Months.

EXECUTIVE ETHICS COMMISSION

NOTICE OF REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by the State Employees and Officials Ethics Act, particularly 5 ILCS 430/20-15(1).

C) Scheduled meeting/hearing dates: None at this time. The proposed amendment will be submitted to the Executive Inspectors General and executive branch ethics officers prior to the First 45-day notice period.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Chad Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring Street, Room 403
William Stratton Building
Springfield, Illinois 62706
217/558-1393

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Executive Ethics Commission, 2 Ill. Adm. Code 1620.510.

1) Rulemaking:

A) Description: The purpose of this rulemaking is to revise and update section 1620.510, Motions.

B) Statutory Authority: Implementing and authorized by the State Employees and Officials Ethics Act, particularly 5 ILCS 430/20-15(1).

C) Scheduled meeting/hearing dates: None at this time. The proposed amendment will be submitted to the Executive Inspectors General

and executive branch ethics officers prior to the First 45-day notice period.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Chad Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring Street, Room 403
William Stratton Building
Springfield, Illinois 62706
217/558-1393

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Executive Ethics Commission, 2 Ill. Adm. Code 1620.610.

1) Rulemaking:

A) Description: The purpose of this rulemaking is to revise and update section 1620.610, Waiver of the Revolving Door Prohibition.

B) Statutory Authority: Implementing and authorized by the State Employees and Officials Ethics Act, particularly 5 ILCS 430/20-15(1).

C) Scheduled meeting/hearing dates: None at this time. The proposed amendment will be submitted to the Executive Inspectors General and executive branch ethics officers prior to the First 45-day notice period.

D) Date agency anticipates First Notice: Unknown.

EXECUTIVE ETHICS COMMISSION

NOTICE OF REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Chad Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring Street, Room 403
William Stratton Building
Springfield, Illinois 62706
217/558/1393

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Executive Ethics Commission, 2 Ill. Adm. Code 1620.700.

1) Rulemaking:

A) Description: The purpose of this rulemaking is to revise and update section 1620.700, Gift Ban.

B) Statutory Authority: Implementing and authorized by the State Employees and Officials Ethics Act, particularly 5 ILCS 430/20-15(1).

C) Scheduled meeting/hearing dates: None at this time. The proposed amendment will be submitted to the Executive Inspectors General and executive branch ethics officers prior to the First 45-day notice period.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Chad Fornoff

EXECUTIVE ETHICS COMMISSION

NOTICE OF REGULATORY AGENDA

Executive Director
Executive Ethics Commission
401 S. Spring Street, Room 403
William Stratton Building
Springfield, Illinois 62706
217/558-1393

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Executive Ethics Commission, 2 Ill. Adm. Code 1620.830.

1) Rulemaking:

A) Description: The purpose of this rulemaking is to create new section 1620.830, Designation of Ethics Officer.

B) Statutory Authority: Implementing and authorized by the State Employees and Officials Ethics Act, particularly 5 ILCS 430/20-15(1).

C) Scheduled meeting/hearing dates: None at this time. The proposed amendment will be submitted to the Executive Inspectors General and executive branch ethics officers prior to the First 45-day notice period.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Chad Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring Street, Room 403
William Stratton Building
Springfield, Illinois 62706
217/558-1393

EXECUTIVE ETHICS COMMISSION

NOTICE OF REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

STATE RECORDS COMMISSION

JANUARY 2007 REGULATORY AGENDA

a) Part (Heading and Code Citation): State Records Commission (44 Ill. Adm. Code 4400)

1) Rulemaking: Proposed amendments

A) Description: The proposed amendments will establish requirements with which agencies must comply in order to receive approval to destroy original hard copy records and rely on digital reproductions of those records to satisfy retention requirements. Microfilming standards will be updated, and the applicability of the rules to electronic records will be made express.

B) Statutory Authority: State Records Act (5 ILCS 160).

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: November 2006

E) Effect on small businesses, small municipalities or not for profit corporation: The rules apply only to State agencies.

F) Agency contact person for information:

Name: David Joens, Director
State Archives
Address: 2W Norton Building
Springfield, IL 62756

Telephone: (217) 782-3492

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): State Records Commission (44 Ill. Adm. Code 4400)

1) Rulemaking: Proposed amendments

A) Description: The State Records Commission expects to propose procedures for agencies to follow in the physical destruction or other disposition of records. Other changes with respect to procedure may also be considered.

B) Statutory Authority: State Records Act (5 ILCS 160).

STATE RECORDS COMMISSION

JANUARY 2007 REGULATORY AGENDA

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: June 2007

E) Effect on small businesses, small municipalities or not for profit corporation: The rules apply only to State agencies.

F) Agency contact person for information:

Name: David Joens, Director
State Archives
Address: 2W Norton Building
Springfield, IL 62756

Telephone: (217) 782-3492

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRTIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 17, 2006 through October 23, 2006 and have been scheduled for review by the Committee at 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
11/29/06	Department of Transportation, Minimum Safety Standards for Construction of Type I School Buses (92 Ill. Adm. Code 440)	8/11/06 30 Ill. Reg. 13336	11/14/06
11/29/06	Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)	7/14/06 30 Ill. Reg. 12060	11/14/06
11/30/06	Board of Higher Education, Nurse Educator Fellowship Program (23 Ill. Adm. Code 1105)	9/1/06 30 Ill. Reg. 14197	11/14/06
11/30/06	Board of Higher Education, Noninstructional Capital Improvements and Community College Locally-Funded Capital Projects (23 Ill. Adm. Code 1040)	9/1/06 30 Ill. Reg. 14184	11/14/06
12/1/06	Department of Corrections, Health Care (20 Ill. Adm. Code 415)	2/10/06 30 Ill. Reg. 1562	11/14/06
12/2/06	Department of Human Rights, Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)	9/1/06 30 Ill. Reg. 14246	11/14/06

JOINT COMMITTEE ON ADMINISTRTIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

12/2/06	Department of Human Rights, Procedures Applicable to All Agencies (44 Ill. Adm. Code 750)	9/1/06 30 Ill. Reg. 14240	11/14/06
12/3/06	Department of Healthcare and Family Services, Hospital Reimbursement Changes (89 Ill. Adm. Code 152)	5/26/06 30 Ill. Reg. 9430	11/14/06
12/3/06	Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)	7/14/06 30 Ill. Reg. 12066	11/14/06
12/6/06	State Board of Education, Early Childhood Block Grant (23 Ill. Adm. Code 235)	8/11/06 30 Ill. Reg. 13298	11/14/06

PROCLAMATIONS

2006-363
AFRICAN AMERICAN WOMEN EVOLVING DAYS

WHEREAS, in 1966, African American Women Evolving (AAWE) was established to help Black women and girls become better informed about their reproductive health and collectively affect social change; and

WHEREAS, AAWE distributes information to women and girls to expose myths and misinformation about various health issues that can affect women from menstruation to menopause. Information includes family planning, preventing HIV/AIDS and other reproductive tract infections (RTI's), infertility, prenatal care, infant and maternal mortality, breast care, and more; and

WHEREAS, they also teach, educate, train, inspire, and motivate women and girls to become pro-active in their lives so they can reach their fullest potential; and

WHEREAS, since 2003, a weekend has been devoted to promoting the health and wellness of Black women, families, and their communities; and

WHEREAS, from October 27th to 28th, 2006, the AAWE will be holding the 4th Black Women Loving the Mind, Body, & Spirit™ Health Symposium at Malcolm X College in Chicago, Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 27-28, 2006 as **AFRICAN AMERICAN WOMEN EVOLVING DAYS** in Illinois.

Issued by the Governor on October 16, 2006.
Filed by the Secretary of State October 18, 2006.

2006-364
RESPIRATORY CARE WEEK

WHEREAS, respiratory diseases are a major health problem in the United States. Unfortunately, the causes of some respiratory diseases are unknown, and many have no known cure; and

WHEREAS, despite that, appropriate therapy can often slow the progress of respiratory disease, relieve symptoms, reduce the extent of permanent lung damage and respiratory disability, and avert or delay the onset of life-threatening complications; and

WHEREAS, today, there are educational programs for patients and their families, as well as a variety of treatments for respiratory disease such as the administration of life-supporting oxygen, drug therapy, and lung rehabilitation; and

WHEREAS, to inform the public about the respiratory care profession and promote lung health, the American Association for Respiratory Care and their affiliate organizations, including the Illinois Society for Respiratory Care, annually sponsors Respiratory Care Week the last week in October; and

WHEREAS, respiratory therapy centers throughout the country participate by hosting educational screenings, programs, and fundraisers for asthma camps for kids, patients in need of assistance, and other worthy causes; and

WHEREAS, legislation to grant Illinois Respiratory Care Practitioners full licensure status became effective January 1, 2006; and

WHEREAS, this year, the American Association and Illinois Society for Respiratory Care will observe Respiratory Care Week from October 22-28:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 22-28, 2006 as **RESPIRATORY CARE WEEK** in Illinois in support of the notable efforts by the American Association and Illinois Society for Respiratory Care to raise awareness about respiratory diseases that affect the lives of many citizens of our State.

Issued by the Governor on October 16, 2006.
Filed by the Secretary of State October 18, 2006.

2006-365
CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

WHEREAS, Chronic Obstructive Pulmonary Disease (COPD) is the fourth leading cause of death in the United States. In 2001 alone, there were more than 12 million diagnosed cases of COPD in adults over the age of 25; and

WHEREAS, COPD encompasses a group of lung diseases that cause blockages to airflow and breathing-related problems, including chronic bronchitis, emphysema, and some extreme cases of asthma; and

WHEREAS, COPD has a variety of causes, but the primary source of the disease is cigarette smoking. Most COPD patients are smokers or former smokers, however,

breathing other irritants on a regular basis such as air pollution or chemical fumes can also trigger the disease; and

WHEREAS, COPD causes the loss of elasticity and swelling of airways, as well as the erosion of air sac walls. Consequently, these problems obstruct airflow in and out of the lungs and the supply of oxygen to the body; and

WHEREAS, unfortunately, there is no treatment for COPD. Damage done to the airways is irreversible, but avoiding cigarette smoke, air pollution, and chemical fumes is the best way a COPD patient can minimize their risk; and

WHEREAS, this year, a number of organizations committed and dedicated to addressing COPD will raise awareness about the disease in November:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2006 as **CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH** in Illinois to call attention to the devastating problem of COPD, and in support of efforts by organizations to combat this terrible disease that affects so many people in this country and our state.

Issued by the Governor on October 16, 2006.
Filed by the Secretary of State October 18, 2006.

2006-366
CHILDHOOD LEAD POISONING PREVENTION WEEK

WHEREAS, approximately 310,000 children younger than the age of 6 are lead poisoned across the nation each year, and Illinois identified approximately 7,600 lead poisoned children in 2005; and

WHEREAS, Illinois passed the Lead Poisoning Prevention Act in 1973 to set mandatory screening and reporting requirements; and

WHEREAS, Illinois established the Lead Poisoning Prevention Program in the Illinois Department of Public Health to monitor the identification and treatment of lead poisoned children; and

WHEREAS, Illinois data indicates a decline in the number of lead poisoned children younger than the age of 6 from 23.1 percent in 1996 to 3.7 percent in 2005; and

WHEREAS, Illinois amended the Lead Poisoning Prevention Act in 2006, establishing new guidelines to further expand on lead poisoning prevention efforts in the state; and

WHEREAS, the major source of lead exposure among American children still remains lead-based paint banned in 1978 and lead-contaminated dust found in the nearly 1.1 million deteriorating housing units in Illinois; and

WHEREAS, lead poisoning can affect nearly every system in the body, causing learning disabilities, shortened attention span, behavioral problems and, in extreme instances, seizure, coma and even death; and

WHEREAS, lead poisoning can affect any family regardless of race, socioeconomic status and education, and is preventable; and

WHEREAS, Illinois is pleased to join with healthcare professionals, agencies and their delegates in observance of National Lead Poisoning Prevention Week, in an effort to increase awareness and promote prevention of lead poisoning in children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 22 -28, 2006, as **CHILDHOOD LEAD POISONING PREVENTION WEEK** in Illinois and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradicating this unfortunate and preventable condition.

Issued by the Governor on October 16, 2006.
Filed by the Secretary of State October 18, 2006.

2006-367
STUDENT PLEDGE AGAINST GUN VIOLENCE - NATIONAL DAY OF CONCERN

WHEREAS, gun violence is an evil that continues to pervade our society, taking thousands of lives per year, destroying families, and casting a dark shadow over our communities; and

WHEREAS, since taking office in 2003, my administration has fought hard to keep guns off our streets and out of the hands of violent offenders. Our initiatives have included closing the "gun show loophole" which requires gun dealers who are not federally licensed to request background checks from the Illinois State Police before they can deal at gun shows, imposing harsher prison sentences for those convicted of gun crimes, and creating an elite gun trafficking police unit to stop the flow of crime guns into Illinois; and

WHEREAS, the State of Illinois will never rest in its efforts to protect our citizens from senseless gun violence; and

WHEREAS, in 1996, United States Senator Bill Bradley, along with eighty-three Senators of both parties, successfully sponsored the passage of a bipartisan Senate Resolution calling for A Day of National Concern About Young People and Gun Violence. In support of this, students across the country were given the opportunity to make a voluntary promise that they "will never bring a gun to school, never use a gun to settle a dispute, and use their influence with friends to keep them from using a gun to settle disputes." More than ten million young people nationwide have participated in this program since its inception; and

WHEREAS, this year, to commemorate the Annual National Day of Concern's Student Pledge, radio station WBBM-FM (B96) in Chicago is holding a special broadcast on Wednesday, October 18, that will include prominent community leaders, celebrities, and education professionals engaged in discussion and debate surrounding this critical topic. In addition, schools all throughout the nation will be holding their own events to commemorate this annual observance and create awareness of gun violence among adults and children alike, and what we can all do to make our neighborhoods better and safer now, and for future generations; and

WHEREAS, Illinois is proud to join in this important observance, and in supporting the efforts of all those involved in organizing National Day of Concern events here in Illinois, and across the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 18, 2006 as **STUDENT PLEDGE AGAINST GUN VIOLENCE - NATIONAL DAY OF CONCERN** in Illinois, and encourage all citizens to become better informed about gun violence, and join in the ongoing mission of keeping our streets safe and crime free.

Issued by the Governor on October 17, 2006.
Filed by the Secretary of State October 18, 2006.

2006-368
CHICAGO BAPTIST INSTITUTE DAY

WHEREAS, the Chicago Baptist Institute is a Christian Education College accredited by the Accrediting Commission International, affiliated with the Association for Biblical Higher Education; and

WHEREAS, Chicago Baptist Institute was organized in 1934, under the united sponsorship of the Chicago Baptist Association, the American Baptist Publication Society, the

American Baptist Home Mission, and Black Baptist pastors and churches of Chicago; and

WHEREAS, the school will celebrate its Silver Anniversary in a Galore Benefit Banquet on October 23rd, 2006 at 7:00 p.m. to be held at the Condesa del Mar Banquet facility in Alsip, Illinois; and

WHEREAS, the keynote speaker of the evening will be the internationally renowned Rev. Dr. William J. Shaw, President of the National Baptist Convention USA and the Pastor of White Rock Baptist Church in Philadelphia, Pennsylvania; and

WHEREAS, at the banquet, Dr. Lena M. Saunders and Rev. Dr. Joseph B. Felker will be honored for their outstanding service to their communities and to the Chicago Baptist Institute; and

WHEREAS, Dr. Lena M. Saunders will be honored for her outstanding service on the Board of Trustees since 1991. She has served as chair of the Annual Benefit Banquet for the past 15 years. In this role, she has ensured that the Banquet is carried out with a level of excellence and distinction; and

WHEREAS, Rev. Felker was elected and is serving in his 10th year as Chairman of the Board of Trustees for the Chicago Baptist Institute. He has spearheaded issues concerning barber education, built the Greater New Era District Association from less than 50 churches to over 100 churches, completed the building of the Mt. Carmel Church, added a million dollar educational building, and has presided over the expansion of the Chicago Baptist Institute where the student population has significantly increased; and

WHEREAS, the Galore Benefit Banquet serves as a wonderful celebration of the accomplishments of Dr. Lena M. Saunders and Rev. Dr. Joseph B. Felker, and will be held on October 23, 2006 in Alsip, Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 23, 2006 as **CHICAGO BAPTIST INSTITUTE DAY** in Illinois.

Issued by the Governor on October 17, 2006.
Filed by the Secretary of State October 18, 2006.

2006-369
HUNGARIAN FREEDOM DAY

PROCLAMATIONS

WHEREAS, on October 23, 1956, the Hungarian Revolution began with Hungarians joining together in a peaceful call for democracy and an end to the Soviet-dominated Hungarian communist government; and

WHEREAS, peaceful protestors were fired upon by the Hungarian Security Police killing hundreds and triggering the bloody fight for freedom and democracy and the first tear in the Iron Curtain; and

WHEREAS, the Hungarian Freedom Fighters, students and workers, men, women and children, who rose up against impossible odds and risked their lives to take part in their noble fight for freedom and democracy, were able to establish a revolutionary government that released political prisoners (including major church leaders), took steps to establish a multi-party democracy, called for the withdrawal of all Soviet troops from Hungary, announced Hungary's withdrawal from the Warsaw Pact, and requested United Nations assistance in establishing Hungarian neutrality; and

WHEREAS, the Soviet Union launched a massive military counteroffensive against the revolt, sending tens of thousands of additional troops from the Soviet Union and launched air strikes, artillery bombardments and coordinated tank-infantry actions involving some 6,000 tanks which, remarkably, the outnumbered and under-equipped Hungarian Army and Hungarian Freedom Fighters resisted for several days; and

WHEREAS, more than 200,000 Hungarians fled their country in the aftermath of the Soviet suppression of the Hungarian uprising, and over 47,000 of these people eventually were able to settle in the United States where they have contributed greatly to the intellectual strength, cultural diversity and the economic might of this country; and

WHEREAS, the Hungarians in 1989 dismantled the Iron Curtain and permitted East Germans safe passage to the West, actions that led to the fall of the Berlin Wall; and

WHEREAS, on October 23, 1989, the Republic of Hungary proclaimed its independence, and in 1990 the Hungarian Parliament officially designated October 23 as a Hungarian national holiday, indicating that the legacy of the 1956 Revolution continues to inspire Hungarians to this day; and

WHEREAS, on March 12, 1999, the Government of Hungary, reflecting the will of the Hungarian people, formally acceded to the North Atlantic Treaty and became a member of NATO and on May 1, 2004, Hungary became a full member of the European Union:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 23, 2006 as **HUNGARIAN FREEDOM DAY** in Illinois in recognition of the 50th Anniversary of the 1956 Hungarian Revolution.

Issued by the Governor on October 17, 2006.
Filed by the Secretary of State October 18, 2006.

2006-370
SOUTH SIDE HELP CENTER 70'S BASH DAY

WHEREAS, the South Side Help Center is a not-for-profit social service agency established in 1987 that serves the entire city of Chicago and its suburbs; and

WHEREAS, the mission of the South Side Help Center is to provide community residents with prevention and intervention services to empower them with life-saving information and develop social interaction skills of youth through positive and constructive activities; and

WHEREAS, the South Side Help Center is committed to preparing children, teens, and young adults to make positive health and life choices by providing a plethora of free services that address specific, critical risks of inner-city youths; and

WHEREAS, the South Side Help Center has provided numerous programs such as: substance abuse prevention, HIV/AIDS education and risk prevention, mentoring, case management, and mental health; and

WHEREAS, the South Side Help Center will hold its 3rd Annual 70's Bash at the New Martinique Complex in Burbank, Illinois on November 10, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 10, 2006 as **SOUTH SIDE HELP CENTER 70'S BASH DAY** in Illinois, and encourage the people of Illinois to recognize the difficulties that many families go through and offer their support in prolonging a service that is fundamental to the healthy growth of humanity.

Issued by the Governor on October 18, 2006.
Filed by the Secretary of State October 18, 2006.

2006-371
UNITED NATIONS DAY

WHEREAS, the United Nations was founded in 1945, and the anniversary of its founding is observed each year on October 24; and

WHEREAS, one of the principal mandates of the United Nations – "To achieve international cooperation in solving problems of an economic, social, cultural, or humanitarian character" – remains as valid today as when those words were written into the Charter more than a half century ago; and

WHEREAS, in September of 2000, 189 countries, including the United States, agreed on the Millennium Development Goals; and

WHEREAS, the fifth of the Millennium Development Goals focuses on the reduction of maternal mortality, and seeks to reduce by three quarters the ratio of women dying in childbirth by 2015; and

WHEREAS, poor maternal health and mortality has a permanent and lasting affect on future generations; and

WHEREAS, the United States is a champion of women's rights both here and abroad, most recently in its work in Afghanistan and Iraq; and

WHEREAS, the United States must continue to work with the United Nations and UN agencies in order to provide a coordinated, multilateral effort in both assessing the current problem of maternal health and well-being and determining the strategies and mechanisms best suited to reduce maternal mortality and improve women's health; and

WHEREAS, in Illinois, my administration has worked tirelessly to increase and improve health care for more and more women. Since we took office, we have created the Illinois Healthy Women program to provide health care to women who otherwise would go without. To date, the program has served more than 100,000 women. The Kaiser Foundation has ranked Illinois the best state in the nation for providing health care to people who need it; and

WHEREAS, the United Nations Association of the United States of America (UNA-USA), in cooperation with other organizations, has declared "Maternal Health and Well-Being" as its theme for the 2006 United Nations Day commemorations:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 24, 2006 as **UNITED NATIONS DAY** in Illinois, and encourage all citizens to join in all activities related to this day.

Issued by the Governor on October 18, 2006.
Filed by the Secretary of State October 18, 2006.

2006-372
Sickle Cell Disease Association of Illinois

WHEREAS, one in 12 African-Americans carries the sickle cell trait, and the disease is also found in descendants from the Mediterranean, Caribbean, South India, and North African areas; and

WHEREAS, the Sickle Cell Disease Association of Illinois (SCDAI) was founded by Howard D. Anderson in 1971 as the Midwest Association for Sickle Cell Anemia to act as an advocate to the legislative body for improved health care and services for sickle cell patients; and

WHEREAS, the Sickle Cell Disease Association of Illinois held its first Sickle Cell Conference for health care professionals in September of 1972, and has continued the instructive and ever-growing event annually; and

WHEREAS, the Sickle Cell Disease Association of Illinois began a Bike-A-Thon in 1974 that has now expanded into the Walk-Jog-Bike-A-Thon, becoming one of Chicago's longest standing outdoor fundraisers that attracts over 75,000 participants and raises more than $1,750,000; and

WHEREAS, in 2002, the SCDAI formed a partnership with the Illinois Department of Public Health to carryout the Newborn Screening Program, which established a formal process of protocol to contact Illinois parents of newborns testing positive for sickle disease and trait; and

WHEREAS, the SCDAI's main concern is for the children; thus, in 1983 the agency established the Bright Horizons Summer Camp for youth, ages 7-18, who suffer from the disease. Also, SCDAI provides college scholarships for high school students; and

WHEREAS, since its inception, the SCDAI has been steadfast in touching thousands of lives and providing support, counseling, referrals, education, and literature in an effort to eradicate a disease that plagues more than 5,000 Illinois residents and whose trait is carried by hundreds of thousands more:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize the Sickle Cell Disease Association of Illinois as they celebrate their 35th year anniversary.

PROCLAMATIONS

Issued by the Governor on October 18, 2006.
Filed by the Secretary of State October 18, 2006.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 44 are listed in the Issues Index by Title number, Part number, Volume and Issue.
Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES
14 - 524 17144
68 - 1455 17147
89 - 10 17175
89 - 112 17181
89 - 121 17194
89 - 180 17209
23 - 60 17219
44 - 2600 17230
44 - 2600 17233
80 - 1600 17284
ADOPTED RULES
44 - 1 10/20/2006.....17305
80 - 250 10/23/2006.....17384
35 - 1662 10/23/2006.....17409
23 - 1 10/23/2006.....17416
23 - 65 10/23/2006.....17425
23 - 228 10/23/2006.....17434
23 - 265 10/23/2006.....17464
23 - 305 10/17/2006.....17475
23 - 365 10/23/2006.....17488
26 - 100 11/03/2006.....17496
80 - 1600 10/19/2006.....17509
80 - 1650 10/18/2006.....17525
92 - 543 10/23/2006.....17550
92 - 547 10/23/2006.....17571
EMERGENCY RULES
14 - 524 10/23/2006.....17575
PEREMPTORY RULES
80 - 310 10/20/2006.....17603
REQUEST FOR EXPEDITED CORRECTION
89 - 140 17635
NOTICE OF CORRECTIONS
77 - 250 17666
EXECUTIVE ORDERS AND PROCLAMATIONS
06 - 364 10/16/2006.....17680
06 - 363 10/16/2006.....17680
06 - 365 10/16/2006.....17681
06 - 366 10/16/2006.....17682
06 - 367 10/17/2006.....17683
06 - 368 10/17/2006.....17684
06 - 369 10/17/2006.....17685
06 - 371 10/18/2006.....17687
06 - 370 10/18/2006.....17687
06 - 372 10/18/2006.....17689
REGULATORY AGENDA
2 - 1620 17668
44 - 4400 17669

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