

# 2007

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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August 31, 2007  
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## TABLE OF CONTENTS

August 31, 2007 Volume 31, Issue 35

### PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF Pay Plan 80 Ill. Adm. Code 310 .....	12384
ENVIRONMENTAL PROTECTION AGENCY Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 & 901 (Repealer) 35 Ill. Adm. Code 951 .....	12388
Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 902 (Repealer) 35 Ill. Adm. Code 952 .....	12411
NATURAL RESOURCES, DEPARTMENT OF Ginseng Harvest and Commerce Regulations 17 Ill. Adm. Code 1580 .....	12445
REVENUE, DEPARTMENT OF Income Tax 86 Ill. Adm. Code 100 .....	12449
SECRETARY OF STATE The Illinois Library System Act 23 Ill. Adm. Code 3030 .....	12463
Illinois State Library Grant Programs 23 Ill. Adm. Code 3035 .....	12499
Literacy Grant Program (Repealer) 23 Ill. Adm. Code 3040 .....	12528
Public Library Construction Grants 23 Ill. Adm. Code 3060 .....	12546
The Illinois State Library Training Program Grants (Repealer) 23 Ill. Adm. Code 3070 .....	12567
STATE BOARD OF ELECTIONS Miscellaneous 26 Ill. Adm. Code 207 .....	12576
<b>ADOPTED RULES</b>	
BOARD OF HIGHER EDUCATION Appropriation Transfers 23 Ill. Adm. Code 1060 .....	12580
HUMAN SERVICES, DEPARTMENT OF Child Care 89 Ill. Adm. Code 50 .....	12584
Assessment for Determining Eligibility and Rehabilitation Needs 89 Ill. Adm. Code 553 .....	12589
Program Description	

89 Ill. Adm. Code 676 .....	12602
<b>EMERGENCY RULES</b>	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310 .....	12608
<b>PEREMPTORY RULES</b>	
AGRICULTURE, DEPARTMENT OF	
Meat and Poultry Inspection Act	
8 Ill. Adm. Code 125 .....	12624
<b>NOTICE OF CORRECTION TO NOTICE ONLY</b>	
SECRETARY OF STATE	
Commercial Driver Training Schools	
92 Ill. Adm. Code 1060 .....	12636
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received .....	12637

## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

### 2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 20, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
14	March 26, 2007	April 6, 2007
15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
17	April 16, 2007	April 27, 2007
18	April 23, 2007	May 4, 2007
19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 4, 2007	June 15, 2007
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
40	September 24, 2007	October 5, 2007
41	October 1, 2007	October 12, 2007
42	October 9, 2007	October 19, 2007
43	October 15, 2007	October 26, 2007
44	October 22, 2007	November 2, 2007
45	October 29, 2007	November 12, 2007
46	November 5, 2007	November 16, 2007
47	November 12, 2007	November 26, 2007
48	November 19, 2007	December 1, 2006
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE A      Proposed Action: Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 5) A Complete Description of the Subjects and Issues Involved: The Memorandum of Agreement between the Departments of Central Management Services and Natural Resources and the Laborers' International Union of North America - Illinois State Employees Association, Local 2002 and the Southern and Central Illinois Laborers' District Council was signed March 22, 2007. Effective February 1, 2007, the Conservation Police Lieutenant title was represented by the RC-104 bargaining unit and rates were assigned.

In the Table of Contents, the Section 310.Appendix A Table A heading is changed to better describe the bargaining unit given the additional title represented by the bargaining unit.

In Section 310.Appendix A Table A, the heading is changed to better describe the bargaining unit given the additional title represented by the bargaining unit. The Conservation Police Lieutenant title, its title code, bargaining unit and Pay Plan Code are added to the title table. The title's step and longevity rates are added to the rate tables effective July 1, 2007 and January 1, 2008. The rates assigned to the Conservation Police Lieutenant title are:

**Effective July 1, 2007**

S T E P S						
1	2	3	4	5	6	7
4407	4632	4856	5081	5316	5565	5565

**Longevity Bonus Rates**

9	10	12.5	14	15	17.5	20	21	22.5	25
Yrs									
5824	6161	6311	6311	6609	6920	7254	7322	7666	8027

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

**Effective January 1, 2008**

S T E P S						
1	2	3	4	5	6	7
4671	4910	5147	5386	5635	5899	5899

**Longevity Bonus Rates**

9	10	12.5	14	15	17.5	20	21	22.5	25
Yrs									
6173	6531	6690	6690	7006	7335	7689	7761	8126	8509

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None besides the Memorandum of Agreement.
- 7) Will this proposed 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 amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.50	Amendment	30 Ill. Reg. 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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

310.APPENDIX G	Amendment	30 Ill. Reg. 16504; 10/20/06
310.45	Amendment	31 Ill. Reg. 9660; 7/13/07
310.50	Amendment	31 Ill. Reg. 9660; 7/13/07
310.80	Amendment	31 Ill. Reg. 9660; 7/13/07
310.90	Amendment	31 Ill. Reg. 9660, 7/13/07
310.100	Amendment	31 Ill. Reg. 9660, 7/13/07
310.410	Amendment	31 Ill. Reg. 9660, 7/13/07
310.450	Amendment	31 Ill. Reg. 9660, 7/13/07
310.460	Amendment	31 Ill. Reg. 9660, 7/13/07
310.470	Amendment	31 Ill. Reg. 9660, 7/13/07
310.480	Amendment	31 Ill. Reg. 9660, 7/13/07
310.490	Amendment	31 Ill. Reg. 9660, 7/13/07
310.495	Amendment	31 Ill. Reg. 9660, 7/13/07
310.500	Amendment	31 Ill. Reg. 9660, 7/13/07
310.APPENDIX A TABLE E	Amendment	31 Ill. Reg. 9660, 7/13/07
310.APPENDIX A TABLE F	Amendment	31 Ill. Reg. 9660, 7/13/07

11) Statement of Statewide Policy Objectives: This proposed amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.

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

Mr. Jason Doggett  
 Acting Manager  
 Compensation Section  
 Division of Technical Services and Agency Training and Development  
 Bureau of Personnel  
 Department of Central Management Services  
 504 William G. Stratton Building  
 Springfield IL 62706

Phone: 217/782-7964  
 Fax: 217/524-4570  
 CMS.PayPlan@Illinois.gov

13) Initial Regulatory Flexibility Analysis:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 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 2007

The text of the Proposed Amendment is identical to the text of the Emergency Amendment on page 12608 of this issue of the *Illinois Register*.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- 1) Heading of Part: Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 & 901
- 2) Code Citation: 35 Ill. Adm. Code 951
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
951.100	Repeal
951.101	Repeal
951.102	Repeal
951.103	Repeal
951.104	Repeal
951.105	Repeal
951.APPENDIX A	Repeal
951.APPENDIX B	Repeal
951.APPENDIX C	Repeal
951.APPENDIX D	Repeal
951.APPENDIX E	Repeal
951.APPENDIX F	Repeal
- 4) Statutory Authority: Sections 25 and 27 of the Environmental Protection Act (415 ILCS 5/25 and 27) and 35 Ill. Adm. Code 900.103
- 5) A Complete Description of the Subjects and Issues Involved: The sound measurement procedures set forth in 35 Ill. Adm. Code 951 are obsolete and no longer used. Also, in its order dated March 2, 2006, the Illinois Pollution Control Board ("Board") amended 35 Ill. Adm. Code 901 and added 35 Ill. Adm. Code 910 to its noise pollution rules to incorporate and update the noise measurement techniques currently contained in Part 951. Since Part 951 is obsolete, no longer used, and is superseded by the Board's adopted rules, the Part is being repealed.
- 6) Were any published studies or reports, and sources of underlying data, used to compose this repealer? No
- 7) Will this repealer replace any emergency rulemaking currently in effect? No
- 8) Does this repealer contain an automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed repealer does not impact local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed repealer: Persons who wish to submit comments on this repealer may submit them in writing by no later than 45 days after publication of this Notice 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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other proposed procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this repealer was summarized: January 2007

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

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE H: NOISE  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 951  
MEASUREMENT PROCEDURES FOR THE ENFORCEMENT  
OF 35 ILL. ADM. CODE 900 & 901 ([REPEALED](#))

## Section

951.100	General
951.101	Personnel Qualifications
951.102	Instrumentation
951.103	Definitions
951.104	Measurement Techniques for 35 Ill. Adm. Code 900
951.105	Measurement Techniques for 35 Ill. Adm. Code 901
951.APPENDIX A	Angle of Incidence
951.APPENDIX B	Example of Possible Survey Site Locations
951.APPENDIX C	Steady and Fluctuation Sound
951.APPENDIX D	Fluctuating and Intermittent Sound
951.APPENDIX E	Impulsive and Quasi-Steady Sound
951.APPENDIX F	Old Rule Numbers Referenced

AUTHORITY: Implementing and authorized by Sections 25 and 27 of the Environmental Protection Act (Ill. Rev. Stat., 1981, ch. 111½, pars. 1025 and 1027) and 35 Ill. Adm. Code 900.103.

SOURCE: Adopted at 4 Ill. Reg. 6, p. 179, effective February 1, 1980; codified at 8 Ill. Reg. 18109; repealed at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 951.100 General**

This report, pursuant to 35 Ill. Adm. Code 900.103(a) and (b), (old Rules 103(a) and 103(b), Chapter 8, of the Noise Pollution Control Regulations) establishes: the qualifications necessary for the Illinois Environmental Protection Agency (Agency) personnel to conduct sound pressure level measurements, the definitions necessary to supplement this report, the instrumentation to be used by Agency personnel conducting sound pressure level measurements and the specific sound pressure level measurement techniques to be employed by Agency personnel conducting sound pressure level measurements. Such personnel qualifications, instrumentation and measurement techniques as more specifically set forth herein below, shall apply to Agency personnel in

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

determining whether a noise source is in compliance with 35 Ill. Adm. Code 900 and 901, but do not establish limits on sound.

**Section 951.101 Personnel Qualifications**

Agency personnel conducting sound measurements shall have been trained and experienced in the current techniques and principles of sound measurement and in the selection and operation of sound measuring instrumentation.

**Section 951.102 Instrumentation**

- a) A sound level meter used alone or used in conjunction with an octave band or one-third octave band filter set shall conform with the following standards or subsequent revisions:
  - 1) American National Standards Institute (ANSI) Section 1.4 - 1971 Specification for Sound Level Meters, Type 1 Precision Sound Level Meter.
  - 2) American National Standards Institute (ANSI) Section 1.11 - 1966 Specifications for Octave Band Filter Sets, Class II; One-Half Octave Band Filter Sets, Class III; and One-Third Octave Band Filter Sets, Class III.
  - 3) American National Standards Institute (ANSI) Section 1.6 - 1967 Preferred Frequencies and Band Numbers for Acoustical Measurements.
  - 4) American National Standards Institute (ANSI) Section 1.8 - 1969 Preferred Reference Quantities for Acoustical Levels.
- b) If a magnetic tape recorder, graphic level recorder or other indicating device is used, the system shall meet the requirements of the Society of Automotive Engineers (SAE) Recommended Practice J184a Qualifying a Sound Data Acquisition System.
- c) The laboratory calibration of instrumentation used for acoustic measurement shall be traceable to the National Bureau of Standards, and shall be performed no less than once every 12 months.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- d) An anemometer and compass or other suitable devices shall be used to measure wind speed and direction in accordance with the manufacturer's recommended procedures.
- e) A thermometer, suitable for measurement of ambient temperature, shall be used in accordance with the manufacturer's recommended procedures.
- f) A hygrometer, suitable for the measurement of relative humidity, shall be used in accordance with the manufacturer's recommended procedures.
- g) A barometer, suitable for the measurement of barometric pressure, shall be used in accordance with the manufacturer's recommended procedures.
- h) For outdoor measurements a suitable windscreen shall be attached to the microphone.

**Section 951.103 Definitions**

"Angle of incidence": the orientation of the microphone relative to the sound source. See Appendix A.

"Ambient": the all-encompassing sound associated with a given environment without the noise source of interest.

"Discrete tone": a sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of time.  
(Agency Note: A discrete tone differs by definition from a prominent discrete tone.)

"Fluctuating sound": a class of nonsteady sound whose sound pressure level varies over a range greater than 6 decibels (dB) with the "slow" meter characteristic, and where the meter indication does not equal the ambient level more than once during the period of observation.

"Impulsive sound": sound characterized by brief excursions of sound pressure (acoustical impulses) above the ambient whose duration is less than one second.  
(Agency Note: Examples of impulsive sound sources are a drop forge hammer and explosive blasting.)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

"Intermittent sound": a class of nonsteady sound where the meter indicates a sound pressure level equal to the ambient level two or more times during the period of observation. The period of time during which the level of the sound remains at a value different from that of the ambient is of the order of one second or more.

"Noise floor": the electrical noise (in decibels) of the sound measurement system. When the noise floor is determined by placing a calibrator over the microphone of the sound measurement system, the noise floor may include acoustic noise due to leakage around the calibrator.

"Nonsteady sound": a sound whose sound pressure level shifts significantly during the period of observation. Meter variations are greater than  $\pm 3$  dB using the "slow" meter characteristic.

"Period of observation": the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should be at least ten times as long as the response time of the instrumentation. The greater the variation in indicated sound level, the longer must be the observation time for a given expected precision of the measurement.

"Prominent discrete tone": sound, having a one-third octave band sound pressure level which, when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic average of the sound pressure levels of the two adjacent one-third octave bands on either side of such one-third octave band by:

5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

15 dB for such one-third octave band with a center frequency from 25

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

Hertz to 125 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

"Property-line-noise-source": any equipment or facility, or combination thereof, which operates within any land used as specified by 35 Ill. Adm. Code 901.101 of the Noise Regulations. Such equipment or facility, or combination thereof, must be capable of emitting sound beyond the property line of the land on which operated.

(Agency Note: The property-line-noise-source is the equipment or facility or combination thereof that is emitting the sound to be measured. The surface of the property-line-noise-source is not necessarily on the property line unless they are contiguous.)

"Quasi-steady sound": a train of two or more acoustical impulses.

(Agency Note: Examples of quasi-steady sound are riveting and a pneumatic hammer.)

"Reflective surface": any building, hillside, or similar object (other than the flat ground surface) that reflects sufficient sound to affect the sound pressure level readings obtained from a noise source. Not included as reflective surfaces are small objects such as trees, posts, chain-link fences, fire hydrants, vegetation such as bushes and shrubs, or any similar object.

"Sound level": in decibels, a weighted sound pressure level determined by the use of metering characteristics and frequency weightings specified in ANSI, Section 1.4-1971 "Specification for Sound Level Meters."

(Agency Note: The sound level may be obtained by the use of a metering characteristic and the weightings A, B, C (or other).)

"Sound pressure level": in decibels, 20 times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 20 micronewtons per square meter.

"Steady sound": a sound whose sound pressure level remains essentially constant (that is, meter fluctuations are negligibly small) during the period of observation. Meter variations are less than or equal to  $\pm 3$  dB using the "slow" meter characteristic.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

**Section 951.104 Measurement Techniques for 35 Ill. Adm. Code 900**

If sound pressure level measurements are obtained by Agency personnel to determine whether a noise source is in compliance with 35 Ill. Adm. Code 900.102 of the Noise Regulations, the following measurement techniques shall be employed:

- a) Instrumentation Set Up
  - 1) Measurement instruments shall be set up in an area where the emitted sound may unreasonably interfere with the enjoyment of life or with any lawful business or activity. Other measurement locations may be used for investigatory purposes such as, but not limited to, the following:
    - A) Determining the extent of noise pollution caused by the source of sound,
    - B) Determining the ambient, and
    - C) Analyzing those acoustical parameters that describe the sound source.
  - 2) Instrumentation set up may include, but is not limited to, any method given in a subsequent Section herein.
- b) Data Acquisition and Operation
  - 1) Before taking sound pressure level measurements, measure and record (near the measurement site):
    - A) Wind speed and direction,
    - B) Ambient temperature,
    - C) Relative humidity, and
    - D) Barometric pressure.
  - 2) Turn the measuring instrument on and allow the instrument to stabilize. Monitor and record the battery condition of the calibrator and all

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

measuring instruments.

- 3) Turn the calibrator on at its appropriate frequency. Allow the calibrator to stabilize and calibrate the measuring system according to the manufacturer's specifications. After the measuring system has been calibrated, remove the calibrator.
- 4) Measure the sound pressure level data according to the manufacturer's recommended procedures. Other sound pressure levels may be used for investigatory purposes such as, but not limited to, the following:
  - A) Determining the extent of noise pollution caused by the source of sound,
  - B) Determining the ambient, and
  - C) Analyzing those acoustical parameters that describe the sound source.
- 5) While measurements are being taken, visual and aural surveillance of extraneous sound sources and varying wind conditions should be made to insure that the conditions of measurement are accurately known. Record any variations in these parameters that may affect data.
- 6) If necessary to determine the extent of noise pollution caused by the source of sound, determine the ambient at the measurement site by means of measurement or analysis.
- 7) After recording sound pressure level measurements, attach the calibrator to the microphone. Turn the calibrator on at its appropriate frequency. After allowing the calibrator to stabilize, monitor and record the measuring system response. When the measuring system response varies by more than  $\pm 0.5$  dB from the most recent field calibration, the sound pressure level measurements obtained since such most recent field calibration shall not be used for enforcement purposes.
- 8) Before removing the calibrator from the microphone, turn the calibrator off. If the ambient has not been determined by means of measurement, determine the noise floor of the measuring system. If the noise floor is

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

within 10 dB of the measured sound pressure level data, such noise floor measurements shall be recorded.

- 9) At the end of the sound survey, monitor and record the battery condition of the calibrator and all measuring instruments. Near the measurement site, measure and record:
  - A) Windspeed and direction,
  - B) Ambient temperature,
  - C) Relative humidity, and
  - D) Barometric pressure.
- 10) If necessary for investigatory purposes, record:
  - A) The physical and topographical description of the ground surface within the vicinity of the measurement site,
  - B) Survey site location,
  - C) A description of the sound source,
  - D) A diagram of the area,
  - E) Location of reflective surfaces near the microphone, and
  - F) The approximate location of the sound source relative to the microphone position.
- 11) Data acquisition and operation may include, but is not limited to, any method given in a subsequent Section herein.

(Agency Note: 35 Ill. Adm. Code 900.102 prohibits noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, and 35 Ill. Adm. Code 900.102 is not dependent upon utilization of specific numerical limits expressed in terms of decibels. Thus, applicable law does not necessarily require that sound pressure level measurements be obtained to determine whether a noise source is in compliance with 35 Ill. Adm. Code 900.102. In the

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

event sound pressure level measurements are obtained, such measurements shall be in accordance with this report. However, the contents of this report shall not be interpreted so as to require sound pressure level measurements to determine whether a noise source is in compliance with 35 Ill. Adm. Code 900.102.)

**Section 951.105 Measurement Techniques for 35 Ill. Adm. Code 901**

- a) Site Selection
  - 1) Measurements may be taken at one or more microphone positions within the appropriate receiving land. Measurement instruments shall be set up outdoors within the boundaries of the receiving land for the purpose of determining whether a noise source is in compliance.
  - 2) Measurement instruments shall be set up not less than 25 feet (7.6 meters (m)) from the property-line-noise-source. The 25-foot (7.6 m) set back requirement is from the noise source and not the property line unless the noise source is contiguous to the property line. See Appendix B.
  - 3) Other measurement locations may be used for investigatory purposes such as, but not limit to, the following:
    - A) Determining the extent of noise pollution caused by the source of sound,
    - B) Determining the ambient, and
    - C) Analyzing those acoustical parameters that describe the sound source.
  - 4) For measurements of sound sources with no audible discrete tones, microphones should not be set up less than 25 feet (7.6 m) from any reflective surface which may affect data. If measurements must be taken within 25 feet (7.6 m), the effect, if any, of the reflective surface on the measured data must be determined.
  - 5) For measurements of sound sources with audible discrete tones microphones should not be set up less than 50 feet (15.2 m) from any reflective surface which may affect data. If measurements must be taken

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

within 50 feet (15.2 m), the effect, if any, of the reflective surface on the measured data must be determined.

- 6) Objects with small dimensions (trees, posts, bushes, etc.) should not be within 5 feet (1.5 m) of the microphone position. If measurements must be taken within 5 feet (1.5 m) of such objects, the effect, if any, on the measured data must be determined.

b) Instrumentation Set Up

After a measurement site has been chosen, a tripod shall be set over the site. The tripod shall be extended to a height between 3 feet 8 inches (1.12 m) and 4 feet 10 inches (1.47 m) above ground. A microphone shall be attached to the appropriate end of a 5-foot (1.5 m) or longer cable and shall be affixed to the top of the tripod. The other end of the cable shall be connected to the measuring instrument. The measuring instrument should be separated from the microphone so as to minimize any influence on the measurements. The cable movement must be minimized during the measurement period.

c) Data Acquisition and Operation

- 1) Before taking sound pressure level measurements, measure and record (near the measurement site):
  - A) Wind speed and direction,
  - B) Ambient temperature,
  - C) Relative humidity, and
  - D) Barometric pressure.
- 2) Turn the measuring instrument on and allow the instrument to stabilize. Monitor and record the battery condition of the calibrator and all measuring instruments.
- 3) Turn the calibrator on at its appropriate frequency. Allow the calibrator to stabilize and calibrate the measuring system according to the manufacturer's specifications. After the measuring system has been calibrated, remove the calibrator and attach a suitable windscreen to the

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

microphone.

- 4) Adjust the microphone to the angle of incidence that will yield the flattest frequency response in accordance with the manufacturer's specifications.
- 5) Measure the sound pressure level data within the limitations of subsection (d) and according to the manufacturer's recommended procedures. Other sound pressure levels may be used for investigatory purposes such as, but not limited to, the following:
  - A) Determining the extent of noise pollution caused by the source of sound,
  - B) Determining the ambient, and
  - C) Analyzing those acoustical parameters that describe the sound source.

(Agency Note: If a conflict should arise, the limitations of subsection (d) supercede the manufacturer's specifications.)
- 6) While sound measurements are being taken, the operator must be separated from the microphone so as to minimize any influence on the measurements.
- 7) While measurements are being taken, visual and aural surveillance of extraneous sound sources and varying wind conditions should be made to insure that the conditions of measurement are accurately known. Record any variations in these parameters that may affect data.
- 8) To minimize wind effects on the microphone, sound measurements shall not be taken when the wind velocity is greater than 12 miles per hour (5.4 m/second) at the microphone position.
- 9) For the purposes of data correction, determine the ambient sound at the measurement site by means of measurement or analysis.
- 10) After taking sound pressure level measurements, remove the windscreen and attach the calibrator to the microphone. Turn the calibrator on at its

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

appropriate frequency. After allowing the calibrator to stabilize, monitor and record the measuring system response. When the measuring system response varies by more than  $\pm 0.5$  dB from the most recent field calibration, the sound pressure level measurements obtained since such most recent field calibration shall not be used for enforcement purposes.

- 11) Before removing the calibrator from the microphone, turn the calibrator off. If the ambient has not been determined by means of measurement, determine the noise floor of the measuring system. If the noise floor is within 10 dB of the measured sound pressure level data, such noise floor measurements shall be recorded.
  - 12) At the end of the sound survey, monitor and record the battery condition of the calibrator and all measuring instruments. Near the measurement site, measure and record:
    - A) Windspeed and direction,
    - B) Ambient temperature,
    - C) Relative humidity, and
    - D) Barometric pressure.
  - 13) Record the physical and topographical description of the ground surface within the vicinity of the measurement site, survey site location, a description of the sound source, a diagram of the area, the location of reflective surfaces near the microphone, and the approximate location of the noise source relative to the microphone position.
  - 14) Laboratory analyses may be performed on magnetic tape recorded field data. A description of the laboratory instrumentation and procedures shall be recorded. Analyses used in the laboratory shall be correlated to field measurement techniques.
- d) Limiting Procedures for Specific Types of Data Acquisition
- 1) For measurements of non-impulsive sound with audible discrete tones, one-third octave band sound pressure levels shall be obtained in

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

determining whether a noise source is in compliance with 35 Ill. Adm. Code 901.106 of the Noise Regulations.

- 2) For measurements of non-impulsive sound with no audible discrete tones, octave band sound pressure levels shall be obtained in determining whether a noise source is in compliance with 35 Ill. Adm. Code 901.102 and 901.103 of the Noise Regulations.
- 3) Steady sound:
  - A) For measurements of steady sound at one or more octave or one-third octave bands, sound pressure level measurements shall be obtained for such octave or one-third octave bands. The average of the maximum and minimum sound pressure levels shall be obtained for each octave or one-third octave band center frequency during the period of observation (See Appendix C, Figure 1).
  - B) For measurements of steady sound that varies between two or more levels when observed using the "fast" or "slow" meter characteristic, the average sound pressure level for the steady level of interest shall be obtained (See Appendix C, Figure 2).
  - C) For steady sound whose duration is five seconds or more the "fast" or "slow" meter characteristic shall be used. For levels that are steady for one to five seconds the "fast" meter characteristic shall be used.
- 4) Fluctuating Sound:
  - A) For measurements of fluctuating sound at one or more octave or one-third octave bands where the fluctuations on the indicating meter are between  $\pm 3$  dB and  $\pm 5$  dB ("slow" meter characteristic), obtain the sound pressure level 3 dB below the maximum level. This corresponds to the root mean square (rms) sound pressure level and shall be obtained for such octave or one-third octave bands (See Appendix C, Figure 3). When successive fluctuations are observed to have different maximum levels, obtain the sound pressure level 3 dB below the mean of the maximum levels for several excursions.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- B) For measurements of fluctuating sound at one or more octave or one-third octave bands where the fluctuations on the indicating meter are greater than  $\pm 5$  dB, the sound pressure level may deviate from the true rms value by several decibels (See Appendix D, Figure 1). The recorded level shall be obtained by reading the maximum level of the sound level meter 10 or more times during the period of observation. The recorded level shall be obtained from the following equation:

$$L = 10 \log \left\{ \frac{1}{N} \sum_{i=1}^N 10^{L_i/10} \right\}$$

where

N = the total number of observations

$L_i$  = the maximum level at each observation

- C) For measurements of fluctuating sound that varies between two or more levels when observed using the "slow" meter characteristic, the measurement methods specified in subsection (d)(4)(A) or (D)(4)(B), may be used to obtain sound pressure levels for the fluctuating level of interest (See Appendix D, Figure 2).
- 5) Intermittent Sound: For measurements of intermittent sound the methods specified in subsections (d)(1), (d)(2), (d)(3) or (d)(4) shall be used during the time the sound exceeds the ambient level (See Appendix D, Figure 3).
- 6) Impulsive Sound: For measurements of impulsive sound, A-weighting and the "fast" meter characteristic shall be used. The maximum excursion of the indicating meter shall be obtained. Measurements may also be taken using other weightings and meter characteristics for informational purposes (See Appendix E, Figure 1).
- 7) Quasi-Steady Sound: For measurement of quasi-steady sound, A-weighting and the "fast" meter characteristic shall be used. The maximum excursion of the indicating meter shall be obtained. Measurements may

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

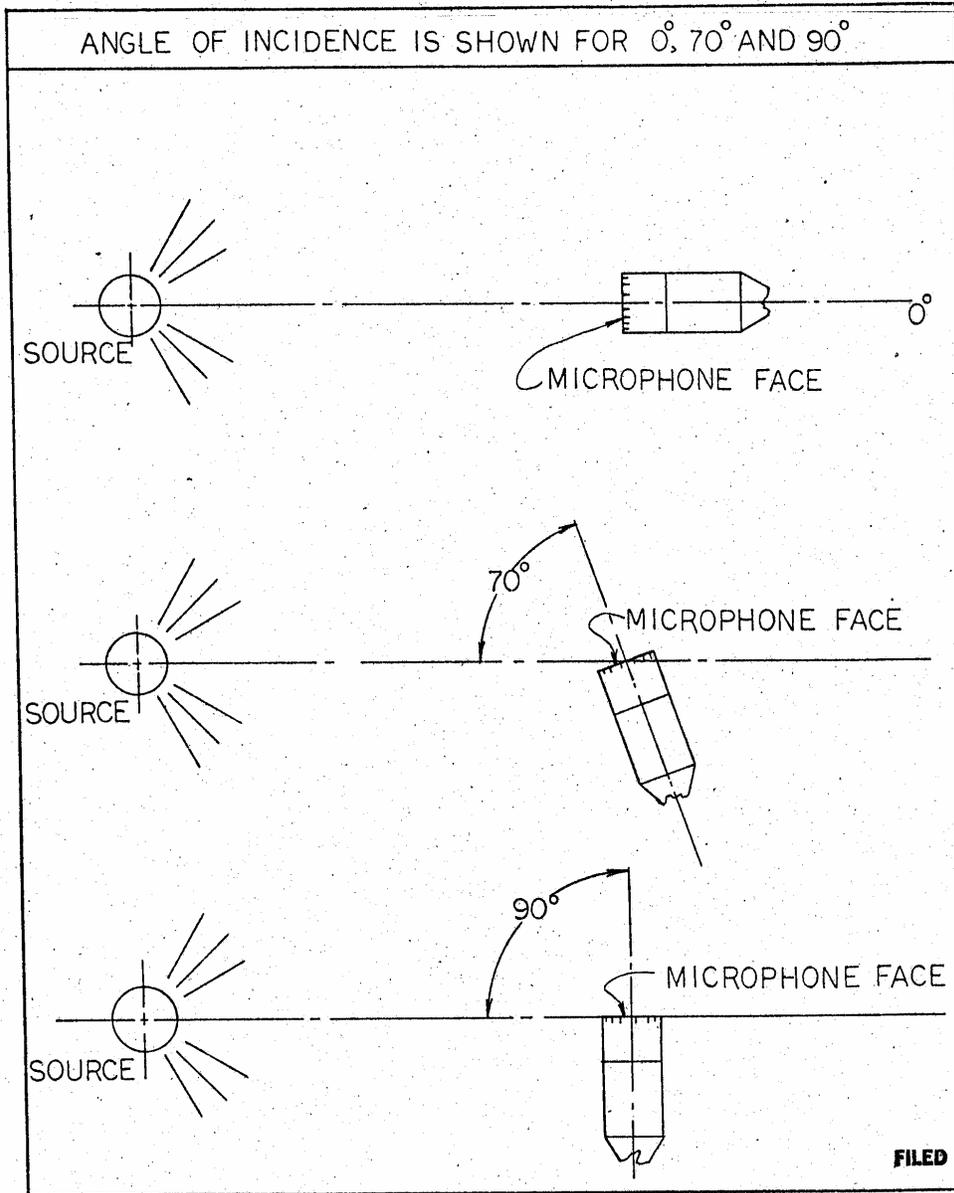
also be taken using other weightings and meter characteristics for informational purposes (See Appendix E, Figure 2).

- e) Correction Factors
- If necessary, correction factors rounded to the nearest  $\frac{1}{2}$  decibel shall be applied to sound pressure level measurements. The correction factors applicable to the measurement system may include, but are not limited to, corrections for windscreen interference and the sound pressure level difference between consecutive field calibrations. Such calibration correction factors shall only be used to make negative corrections (subtraction from the field data). In no case shall such calibration correction factors be added to the measured sound pressure levels so as to raise the sound pressure level field data. The correction factors applicable to the measurement site may include, but are not limited to, corrections for reflective surfaces and ambient sound.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 951.APPENDIX A Angle of Incidence

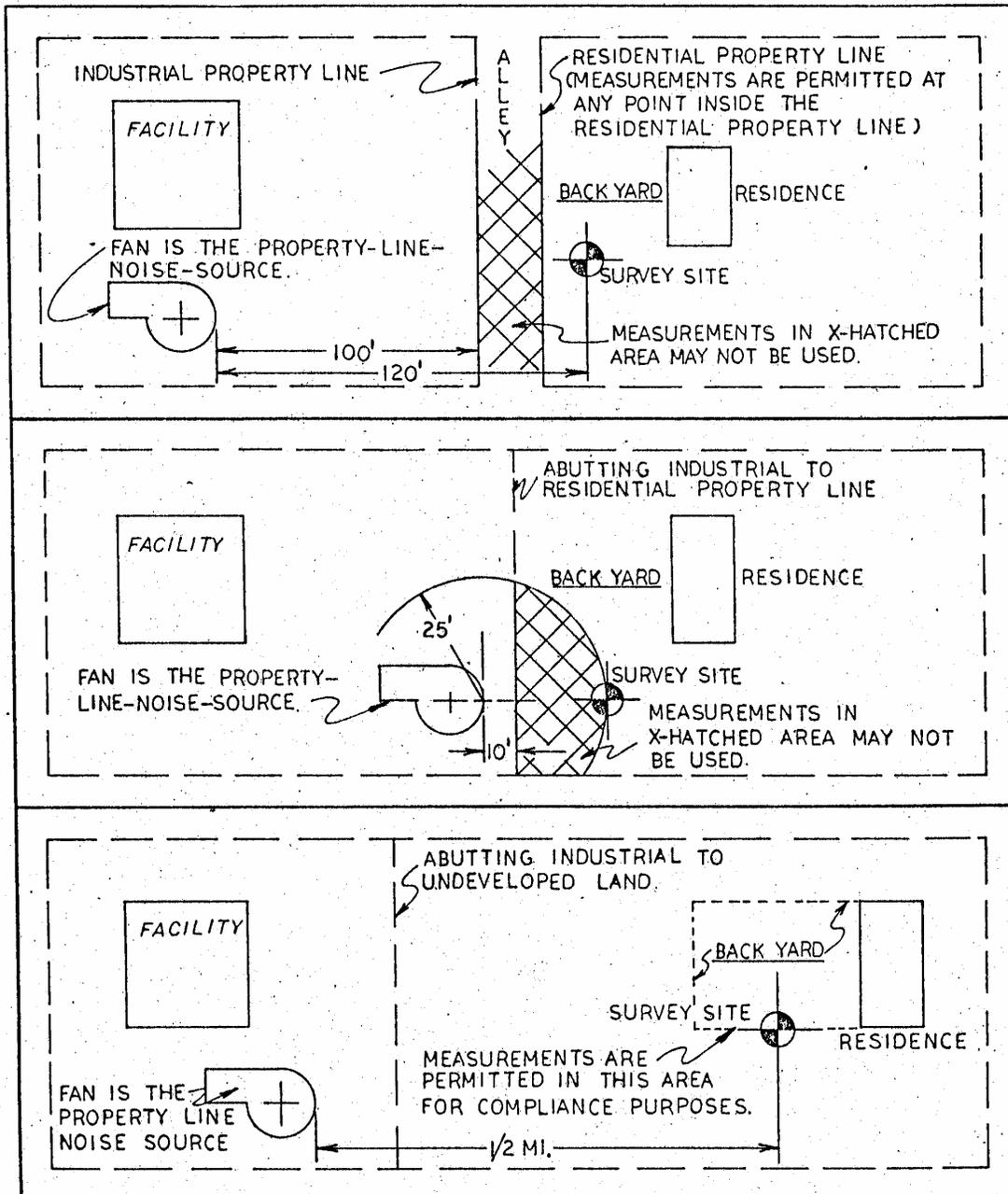


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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 951.APPENDIX B Examples of Possible Survey Site Locations

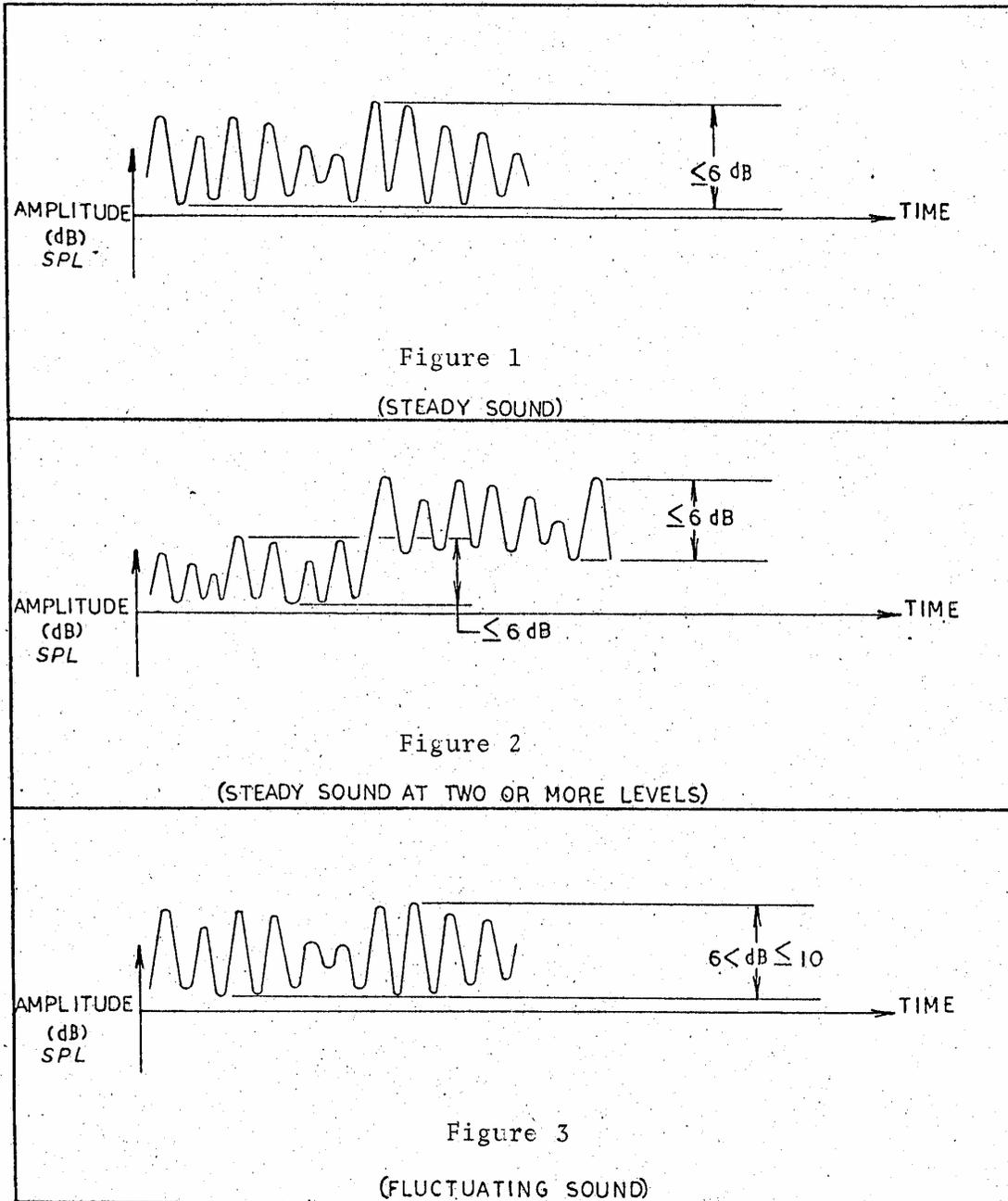


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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

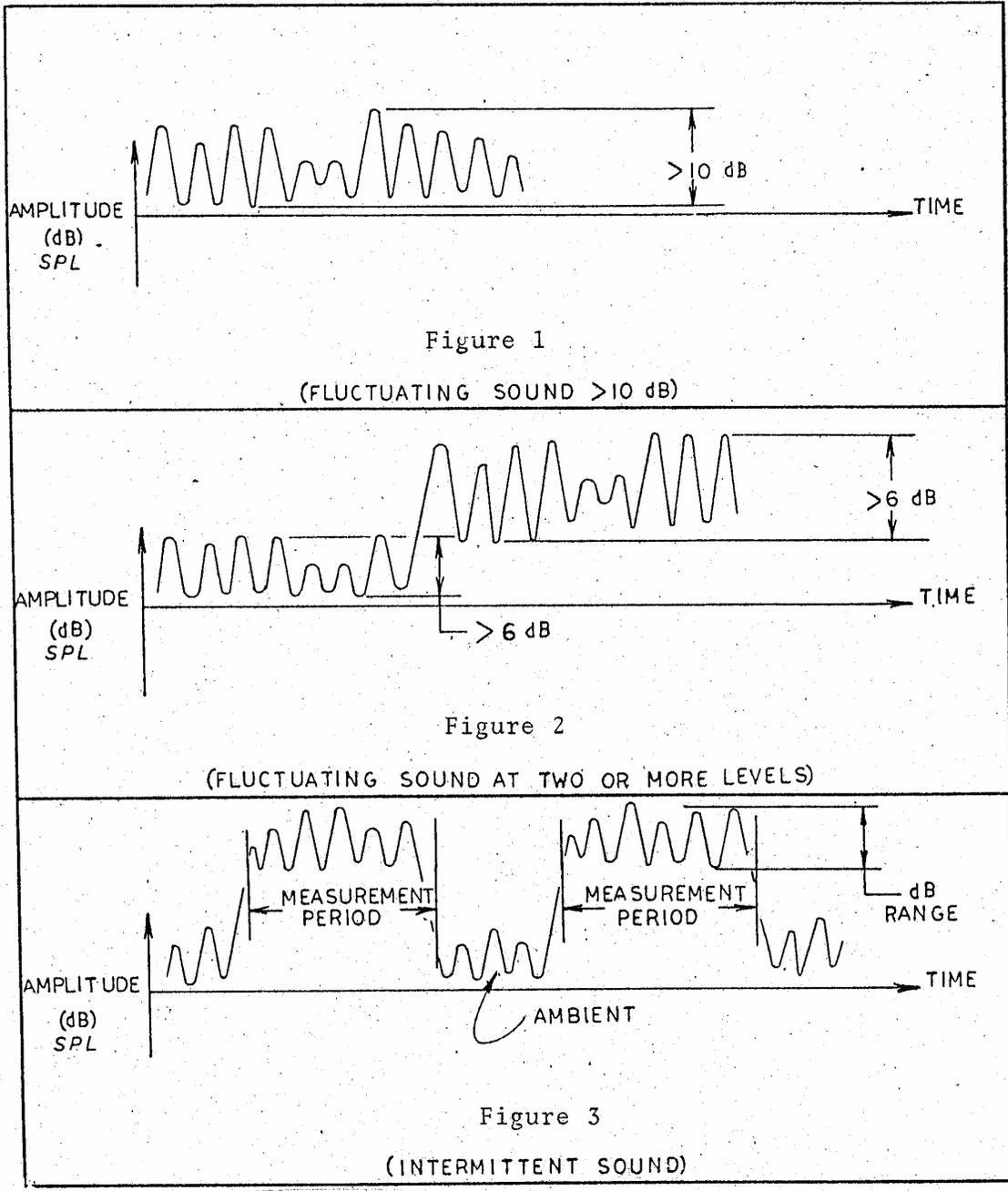
Section 951.APPENDIX C Steady and Fluctuating Sound



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 951.APPENDIX D Fluctuating and Intermittent Sound



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 951.APPENDIX E Impulsive and Quasi-Steady Sound

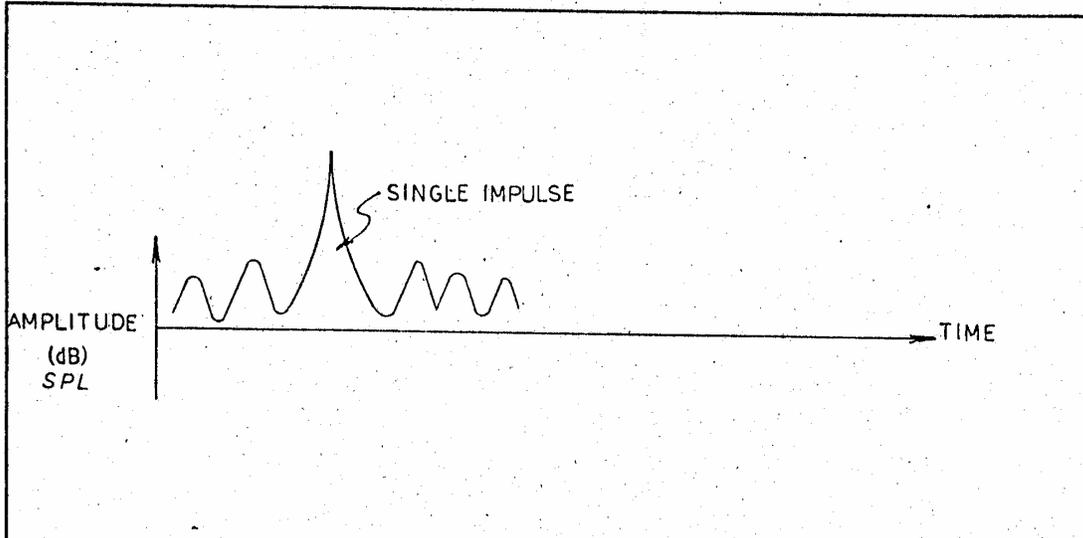


Figure 1  
(IMPULSIVE SOUND)

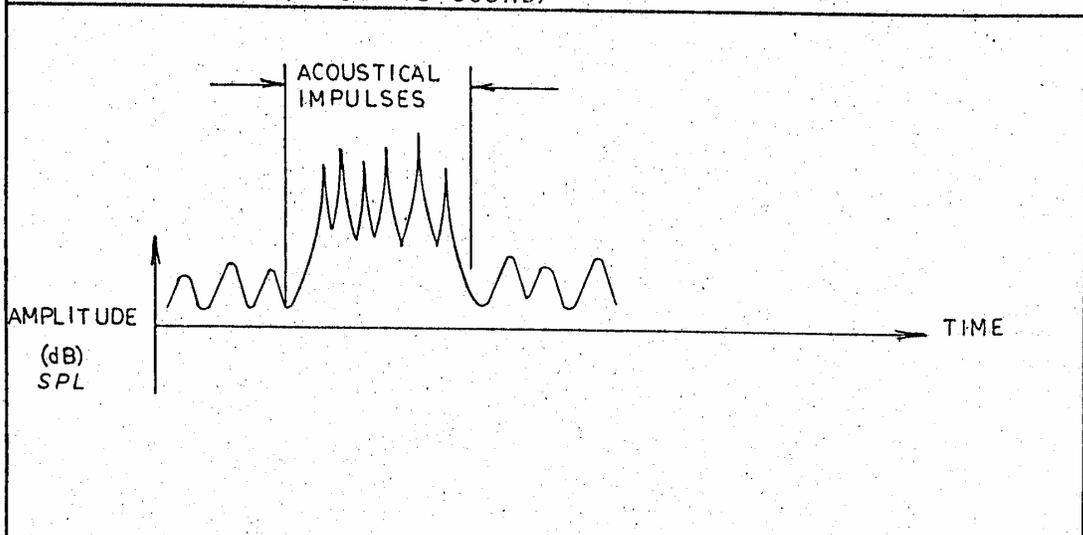


Figure 2  
(QUASI-STEADY SOUND)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

**Section 951.APPENDIX F Old Rule Numbers Referenced**

The following table is provided to aid in referencing old Agency rule numbers to section numbers pursuant to codification.

Old	35 Ill. Adm. Code Part 951
Part 1.0	Section 951.100
Part 2.0	Section 951.101
Part 3.0	Section 951.102
Part 4.0	Section 951.103
Part 5.0	Section 951.104
Part 6.0	Section 951.105
Figure 1	Appendix A
Figure 2	Appendix B
Figure 3	Appendix C
Figure 4	Appendix D
Figure 5	Appendix E

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- 1) Heading of Part: Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 902
- 2) Code Citation: 35 Ill. Adm. Code 952
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
952.100	Repeal
952.110	Repeal
952.120	Repeal
952.121	Repeal
952.122	Repeal
952.123	Repeal
952.124	Repeal
952.125	Repeal
952.130	Repeal
952.131	Repeal
952.132	Repeal
952.133	Repeal
952.134	Repeal
952.140	Repeal
952.150	Repeal
952.APPENDIX A	Repeal
952.APPENDIX B	Repeal
952.APPENDIX C	Repeal
952.APPENDIX D	Repeal
952.APPENDIX E	Repeal
952.APPENDIX F	Repeal
952.APPENDIX G	Repeal
952.APPENDIX H	Repeal
952.APPENDIX I	Repeal
952.APPENDIX J	Repeal
- 4) Statutory Authority: Sections 25 and 27 of the Environmental Protection Act [415 ILCS 5/25 and 27] and 35 Ill. Adm. Code 900.103
- 5) A Complete Description of the Subjects and Issues Involved: The sound measurement procedures set forth in 35 Ill. Adm. Code 952 are obsolete and no longer used. The Illinois EPA has not had a funded noise program since July 2001. Also, the Illinois Pollution Control Board ("Board") in R03-8 amended 35 Ill. Adm. Code 900 to update its regulations governing noise standards. Since the Illinois EPA no longer has a noise

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

program, Part 952 is obsolete and no longer used, and the Board has updated its noise rules, this Part 952 is being repealed.

- 6) Were any published studies or reports, and sources of underlying data, used to compose this repealer? No
- 7) Will this repealer replace any emergency rulemaking currently in effect? No
- 8) Does this repealer contain an automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed repealer does not impact local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed repealer: Persons who wish to submit comments on this repealer may submit them in writing by no later than 45 days after publication of this Notice 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

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

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

14) Regulatory Agenda on which this repealer was summarized: January 2007

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE H: NOISE  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 952  
MEASUREMENT PROCEDURES FOR THE ENFORCEMENT  
OF 35 ILL. ADM. CODE 902 **(REPEALED)**

SUBPART A: GENERAL PROVISIONS

Section  
952.100      General Provisions

SUBPART B: INSTRUMENTATION

Section  
952.110      Instrumentation

SUBPART C: MEASUREMENT OF NOISE  
EMISSIONS: HIGHWAY OPERATIONS

Section  
952.120      Scope of this Subpart  
952.121      Standard Site Characteristics  
952.122      Restricted Site Characteristics  
952.123      Ambient Conditions  
952.124      Location and Operation of Sound Level Measurement System  
952.125      Measurement Procedure

SUBPART D: MEASUREMENT OF NOISE  
EMISSIONS: STATIONARY TEST

Section  
952.130      Scope of this Subpart  
952.131      Site Characteristics  
952.132      Ambient Conditions  
952.133      Location and Operation of Sound Level Measurement System  
952.134      Measurement Procedure

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

SUBPART E: MICROPHONE DISTANCE  
CORRECTION FACTORS

Section  
952.140      Microphone Distance Correction Factors

## SUBPART F: EXHAUST SYSTEMS AND TIRES

Section  
952.150      Exhaust Systems and Tires

952.APPENDIX A      Standard Test Site: Highway Operations  
952.APPENDIX B      Restricted Measuring Site: Highway Operations  
952.APPENDIX C      Restricted Measuring Site "D" and "L" Determination for Reflective  
Surface Correction  
952.APPENDIX D      Example of D and L Determination  
952.APPENDIX E      Nomograph to Determine Corrections for Reflective Surfaces  
952.APPENDIX F      Standard Test Site: Stationary Test  
952.APPENDIX G      Example of Standard Test Site: Highway Operations (60 feet (18.3 m)  
Distance Between Microphone Location and Target Points)  
952.APPENDIX H      Example of Standard Test Site: Stationary Test (35 feet (10.7 m)  
Distance Between Microphone Location and Target Points)  
952.APPENDIX I      Passenger Car Microphone Positions  
952.APPENDIX J      Old Rule Numbers Referenced

AUTHORITY: Implementing and authorized by Sections 25 and 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111½, pars. 1025 and 1027) and 35 Ill. Adm. Code 900.103.

SOURCE: Adopted at 4 Ill. Reg. 19, p. 207, effective May 1, 1980; codified at 8 Ill. Reg. 18111; repealed at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 952.100 General Provisions**

- a) Introduction  
This report describes procedures for inspection, surveillance and measurement of motor vehicles and motor vehicle equipment to determine whether those motor

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

vehicles and motor vehicle equipment conform to the standards specified in 35 Ill. Adm. Code 902 (old Part 3 of Chapter 8 of the Illinois Pollution Control Board Rules and Regulations).

## b) Definitions

"Hard test site": any test site having the ground surface covered with concrete, asphalt, packed dirt, gravel or similar reflective material for more than ½ the distance between the microphone target point and the microphone location point.

"Soft test site": any test site having the ground surface covered with grass, other ground cover or similar absorptive material for ½ or more of the distance between the microphone target point and the microphone location point.

"Ground cover": any of various low, dense-growing plants, such as ivy, myrtle, low weeds or brush.

"Traffic railing": any longitudinal highway traffic barrier system installed along the side or median of a highway. For the purpose of this report, a traffic railing must have at least 35 percent of its vertical height, from the ground surface to the top of the railing, open to free space in order to qualify as an acceptable object within a noise measurement test site. Further, for the purposes of this report, posts or other discrete supports shall be ignored when ascertaining open free space.

"Relatively flat": when used to describe a noise measurement site means a site which does not contain significant concave curvatures or slope reversals that may result in the focusing of sound waves toward the microphone location point.

## c) Measurement Tolerances

- 1) Measurement tolerances will be allowed to take into account the effects of the following factors:
  - A) The consensus standard practice of reporting field sound level measurements to the nearest whole decibel (dB).

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- B) Variations resulting from commercial instrument tolerances.
  - C) Variations resulting from the topography of the noise measurement site.
  - D) Variations resulting from atmospheric conditions such as wind, temperature and atmospheric pressure.
  - E) Variations resulting from reflected sound from small objects allowed within the test site.
  - F) The interpretation of the effects of the above cited factors by enforcement personnel.
- 2) Measurement tolerances shall not exceed:
    - A) 1 dB for Type 1 sound level meters;
    - B) 2 dB for Type 2 and Type S sound level meters.
  - 3) Measurement tolerances are to be added to the applicable sound level limit.

## SUBPART B: INSTRUMENTATION

**Section 952.110 Instrumentation**

- a) **Scope of this Subpart**  
This Subpart specifies criteria for sound level measurement systems which are used to make the sound level measurements specified in Subparts C and D of these measurement procedures.
- b) **Type of Measurement Systems Which May Be Used**  
The sound level measurement system must meet or exceed the requirements of American National Standards Institute Specification for Sound Level Meters (ANSI Section 1.4-1971), approved April 27, 1971, issued by the American National Standards Institute throughout the applicable frequency range for either:

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- 1) A Type 1 sound level meter;
  - 2) A Type 2 sound level meter; or
  - 3) A Type S sound level meter which has:
    - A) A-weighting frequency response;
    - B) Fast dynamic characteristics of its indicating instrument; and
    - C) A relative response level tolerance consistent with those of either a Type 1 or Type 2 sound level meter, as specified in Section 2.1 of ANSI Section 1.4-1971.
- c) Calibration of Measurement Systems
- 1)
    - A) The sound level measurement system must be calibrated and appropriately adjusted at one or more frequencies in the range from 250 to 1,000 Hertz (Hz) at the beginning of each series of measurements and at intervals of 5-15 minutes thereafter, until it has been determined that the sound level measurement system has not significantly drifted from its calibrated level. Once this fact has been established, calibrations may be made at intervals once every hour. A significant drift shall be considered to have occurred if a 0.3 dB or more excursion is noted from the system's predetermined reference calibration level. In the case of systems using displays with whole decibel increments, the operator may visually judge when the 0.3 dB drift has been met or exceeded.
    - B) The sound level measurement system must be checked once every twelve months by its manufacturer, a representative of its manufacturer, or a person of equivalent special competence to verify that its accuracy meets the manufacturer's design criteria.
  - 2) An acoustical calibrator of the microphone coupler type designed for the sound level measurement system in use shall be used to calibrate the sound level measurement system in accordance with subsection (c)(1).

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

The calibration must meet or exceed the accuracy requirements specified in Subsection 5.4.1 of the American National Standards Institute Standard Methods for Measurements of Sound Pressure Levels, (ANSI Section 1.13-1971) for field method measurements.

- d) **Windscreens**  
A properly installed windscreen, of the type recommended by the manufacturer of the Sound Level Measurement System, shall be used during the time that noise emission measurements are being taken, in order to minimize the wind generated noise on the microphone and to protect the microphone from dust and other airborne matter. The windscreen also reduces damage to the microphone in the event the tripod is upset or the microphone is dropped.

SUBPART C: MEASUREMENT OF NOISE  
EMISSIONS: HIGHWAY OPERATIONS

**Section 952.120 Scope of this Subpart**

- a) This Subpart specifies conditions and procedures for measurement of the sound level generated by a motor vehicle engaged in a highway operation for the purpose of ascertaining whether the motor vehicle conforms with 35 Ill. Adm. Code 902.120(b)(1) and (b)(2), 902.121(b)(1) and (b)(2), 902.122(b)(1) and (b)(2) and 902.123(c).
- b) A "standard site" is a measurement site which conforms with the specifications listed under Chapter 325.33 "Site Characteristics: highway operations" of Subpart C of "Department of Transportation Bureau of Motor Carrier Safety Regulations for Enforcement of Motor Carrier Emission Standards," as described below in Section 952.121. A standard site must be utilized to determine compliance with 35 Ill. Adm. Code 902.121: Standards Applicable to Motor Vehicles with Gross Vehicle Weight (GVW) in Excess of 8,000 Pounds and 35 Ill. Adm Code 902.123: Exception for and Standards Applicable to Motor Carriers Engaged in Interstate Commerce with Respect to Operations Regulated Pursuant to the Federal Noise Control Act of 1972. A standard site may be utilized to determine compliance with 35 Ill. Adm. Code 902.120: Standards Applicable to All Passenger Cars and to Other Motor Vehicles with GVW of 8,000 Pounds or Less and 35 Ill. Adm. Code 902.122: Standards Applicable to Motorcycles and Motor Driven Cycles.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- c)
- 1) A "restricted site" is a measurement site at which:
    - A) The distance from the microphone to the center of the near lane of travel is greater than 26 feet (7.9 meters (m)) or less than 100 feet (30.2 m), or
    - B) The distance from the microphone target point to large reflecting surfaces is less than the distance between the microphone and the microphone target point, or
    - C) The distance from the microphone to large reflecting surfaces is less than the distance between the microphone and the microphone target point (See Appendix B).
  - 2) A restricted site may be utilized to determine compliance with 35 Ill. Adm. Code 902.120: Standards Applicable to All Passenger Cars and to Other Motor Vehicles with GVW of 8,000 Pounds or Less and 35 Ill. Adm. Code 902.122: Standards Applicable to Motorcycles and Motor Driven Cycles.

**Section 952.121 Standard Site Characteristics**

- a) Measurements shall be made at a test site which is adjacent to, and includes a portion of, a traveled lane of a public highway. A microphone target point shall be established on the centerline of the traveled lane of the highway, and a microphone location point shall be established on the ground surface not less than 35 feet (10.7 m) or more than 83 feet (25.3 m) from the microphone target point and on a line that is perpendicular to the centerline of the traveled lane of the highway and that passes through the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site is shown in Appendix A. Measurements may be made at a test site having smaller or greater dimensions in accordance with the following:
  - 1) If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the test site must be an open site with a radius from both points which is equal to the distance between the microphone location point and the microphone target point.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- 2) Plan view diagrams of standard test sites are shown in Appendices G and H. Appendix G illustrates a test site which has a 60 foot (18.3 m) distance between the microphone location point and the microphone target point. Appendix H illustrates a test site which has a 35 foot (10.7 m) distance between the microphone location point and the microphone target point.
- b) The measurement site must be an open site, essentially free of large sound reflecting objects. However, the following objects may be within the measurement site, including the triangular measurement area:
- 1) Small cylindrical objects such as fire hydrants or telephone or utility poles located 3 feet (1 m) or more from the microphone .
  - 2) Rural mailboxes located 3 feet (1 m) or more from the microphone.
  - 3) One or more curbs having a vertical height of 1 foot (.3 m) or less.
- c) The following objects may be within the test site if they are outside of the triangular measurement area of the site:
- 1) Any vertical surface (such as a billboard), regardless of size, having a lower edge more than 15 feet (4.6 m) higher than the surface of the traveled lane of the highway.
  - 2) Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade alongside the highway) with a slope that is less than 45 degrees above the horizontal.
  - 3) Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the traveled lane of the highway.
- d)
- 1) The surface of the ground within the triangular measurement area must be relatively flat. If the site is determined to be "hard," the correction factor specified below shall be applied to the sound level limits of 35 Ill. Adm. Code 902.121 and 902.123.
  - 2) When measurements are made upon a test site which is "hard," a

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

correction factor of 2 dB (A) shall be added to the sound level limits of 35 Ill. Adm. Code 902.121(b)(1), 902.121(b)(2) and 902.123(c).

- e) The traveled lane of the highway within the test site must be dry, paved with relatively smooth concrete or asphalt, and substantially free of:
  - 1) Holes or other defects which would cause a motor vehicle to emit irregular tire, body or chassis impact noise; and
  - 2) Loose material, such as gravel or sand.
- f) The traveled lane of the highway on which the microphone target point is situated must not pass through a tunnel or underpass located within 200 feet (61 m) of that point.

**Section 952.122 Restricted Site Characteristics**

- a) Restricted measuring sites are those sites where sound reflecting surfaces are close to either the microphone or the microphone target point as specified in Section 952.120(c).
- b) Measurements shall be made at a test site which is adjacent to, and includes a portion of a traveled lane of a public highway. A microphone target point shall be established on the centerline of the traveled lane of the highway and a microphone location point shall be established on the ground surface not less than 26 feet (7.9 m) or more than 100 feet (30.2 m) from the microphone target point and on a line that is perpendicular to the centerline of the traveled lane of the highway and that passes through the microphone target point.
- c) A sound reflecting surface is any building, signboard, hillside or similar object, within the measurement site, that reflects sufficient sound to affect the sound level readings obtained from passing vehicles. Such sound reflecting surfaces make this site a restricted measurement site. Some sound reflecting surfaces require a correction to the measured sound level.
  - 1) Surfaces not requiring correction. The following surfaces and objects within the measuring site do not require a correction factor:
    - A) Small cylindrical objects such as fire hydrants or telephone or

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

utility poles located 3 feet (1 m) or more from the microphone.

- B) Rural mailboxes located 3 feet (1 m) or more from the microphone.
  - C) Traffic railings of any type of construction except solid concrete barriers.
  - D) Chain-link fences or any vegetation such as bushes, shrubs, hedges and grass.
  - E) One or more curbs having a vertical height of 1 foot (.3 m) or less.
  - F) The following objects may be within the measurement site if they are outside of the triangular measurement area of the site:
    - i) Any vertical surface (such as a billboard), regardless of size, having a lower edge more than 15 feet (4.6 m) higher than the surface of the traveled lane of the highway.
    - ii) Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade alongside the highway) with a slope that is less than 45 degrees above the horizontal.
    - iii) Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the traveled lane of the highway.
- 2) Surfaces Requiring Correction. Sound level measurements may be made with appropriate corrections when sound reflecting surfaces are within the measuring site as shown in Appendix B. Measurements may be made only when the sound reflecting surfaces are basically parallel to the lane of travel.
- A) A basically parallel surface may have irregularities or projections of not more than 2 feet (.6 m) measured perpendicular to the lane of travel, with the distance to the microphone line or vehicle path

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

measured from the closest point of the projection.

- B) Sound reflecting surfaces not basically parallel to the lane of travel shall be a minimum of 35 feet or B, whichever is greater, from the microphone and microphone target point. (B is the distance between the microphone and microphone target point as shown in Appendix B.) This restriction does not apply to surfaces that are perpendicular to the lane of travel and behind the parallel surface for which corrections are made, such as a fence or the side walls of a building.
  - C) Distance measurements from smooth embankments covered with vegetation, concrete, asphalt, dirt or other relatively smooth cover shall be made from the point where the slope begins to exceed 45 degrees above horizontal. Measurements from non-smooth embankments shall be made from the point where the irregularity begins.
- 3) Correction Factors for Sound Reflecting Surfaces. Correction factors to be added to the applicable sound level limits when there are sound reflecting surfaces within the restricted measurement site shall be determined as follows:
- A) Reflecting Surfaces. Sites with sound reflecting surfaces basically parallel to the vehicle path within the measuring area shown in Appendix B may be used by measuring the distances shown in Appendix B and adding the correction factor obtained from the nomogram in Appendix E to the applicable sound level limit.
  - B) Measuring Distances to Determine Correction. Measurement "D" is the shortest distance between the centerline of the lane of travel and the reflecting surface located on the opposite side of the lane of travel from the measurement location (see Appendices B, C and D). Measurement "L" is the shortest distance between a line parallel to the lane of travel passing through the microphone and the reflecting surface behind the measurement location (see Appendices B, C and D).
  - C) Determining Correction Factor. Locate the points on the left and

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

right scales of Appendix E corresponding to the distances "D" and "L" in Appendices B and C. Place a straight edge across the nomogram so that it connects the two points. The point where the straight edge intersects the center axis indicates the correction factor to be added to the applicable sound level limit.

- 4) Correction Factor for a Microphone Mounted on a Passenger Car. A correction factor of 1 dB shall be added to the applicable sound level limit when a microphone is mounted on a passenger car.

**Section 952.123 Ambient Conditions**

- a) Sound
  - 1) The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise emanating from within the clear zone, with fast meter response using a sound level measurement system that conforms to these procedures.
  - 2) The measured ambient level of non-motor vehicle sound must be 10 dB(A) or more below that level which corresponds to the maximum permissible sound level reading which is applicable at the test site at the time of testing. The maximum permissible sound level reading is the sound level limit appropriate for each vehicle type, plus the site corrections.
- b) Wind. Noise measurements may only be made if the measured wind velocity is 12 miles per hour (mph) (19.3 kilometers per hour (kph)) or less. The wind velocity at the test site shall be measured at the beginning of each series of noise measurements and at intervals of 5-15 minutes thereafter until it has been established that the wind velocity is essentially constant. Once that fact has been established, wind velocity measurements may be made at intervals of once every hour. Gust wind measurements of up to 20 mph (33.2 kph) are allowed, although sound level measurements may not be taken at these times.
- c) Precipitation. Sound level measurements are prohibited under any condition of precipitation, however, measurements may be made with snow on the ground. The ground surface within the measurement area must be free of standing water.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

**Section 952.124 Location and Operation of Sound Level Measurement System**

- a) Microphone Position
- 1) Unless mounted on a passenger car, the microphone of a sound level measurement system that conforms to this report shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 3.5 feet (1.1 m) above the surface on which the microphone stands. The preferred microphone height on flat terrain is 4 feet (1.2 m).
    - A) When the sound level measurement system is hand-held or is otherwise monitored by a person located near its microphone, the holder must orient himself relative to the highway in a manner consistent with the recommendation of the manufacturer of the sound level measurement system.
    - B) In no case shall the meter holder or observer be closer than 2 feet (.6 m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.
  - 2) If mounted on a passenger car, the microphone of a sound level measurement system that conforms to this report shall be located in the following manner:
    - A) The microphone shall be located 1 foot (.3 m) plus or minus ½ foot (.15 m) above the roof of the passenger car (see Appendix I, Figure 1).
    - B) The microphone shall be located in the vertical plane of the edge of the roof on the driver's side of the passenger car plus or minus ½ foot (.15 m) (see Appendix I, Figure 2).
    - C) The microphone shall be located between the front and back edges of the roof of the passenger car.
    - D) The passenger car shall be positioned either perpendicular or parallel to the lane of travel.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- b) The microphone of the sound level measurement system shall be oriented toward the traveled lane of the highway at the microphone target point at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle of orientation for its microphone, the microphone shall be oriented toward the highway at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plane of the traveled lane of the highway at the microphone target point.
- c) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

**Section 952.125 Measurement Procedure**

- a) In accordance with this Subpart, a measurement shall be made of the sound level generated by a motor vehicle operating through the measurement area on the traveled lane of the highway within the test site, regardless of the highway grade, load, acceleration or deceleration.
- b) The sound level generated by the motor vehicle is the highest reading observed on the sound level measurement system as the vehicle passes through the measurement area, corrected, when appropriate, in accordance with these measurement procedures. The sound level of the vehicle being measured must be observed to rise at least 6 dB(A) before the maximum sound level occurs and to fall at least 6 dB(A) after the maximum sound level occurs in order to be considered a valid sound level reading.

SUBPART D: MEASUREMENT OF NOISE  
EMISSIONS: STATIONARY TEST**Section 952.130 Scope of this Subpart**

- a) This Subpart specifies conditions and procedures for measuring the sound level generated by a vehicle when the vehicle's engine is rapidly accelerated from idle to governed speed at wide open throttle with the vehicle stationary, its transmission in neutral, and its clutch engaged, for the purpose of ascertaining whether the motor vehicle conforms with 35 Ill. Adm. Code 902.121(c) or 902.123(d).
- b) This Subpart applies only to a motor vehicle with GVW in excess of 8,000

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

pounds that is equipped with an engine speed governor.

- c) Tests conducted in accordance with this Subpart may be made on either side of the vehicle.

**Section 952.131 Site Characteristics**

- a) The motor vehicle to be tested shall be parked on the test site. A microphone target point shall be established on the ground surface of the site on the centerline of the lane in which the motor vehicle is parked at a point that is within 3 feet (.9 m) of the longitudinal position of the vehicle's exhaust system outlet(s). A microphone location point shall be established on the ground surface not less than 35 feet (10.7 m) and not more than 83 feet (25.3m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard stationary test site, is shown in Appendix F.
- b) The test site must be an open site, essentially free of large sound-reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:
  - 1) Small cylindrical objects such as fire hydrants or telephone or utility poles located 3 feet (1 m) or more from the microphone.
  - 2) Rural mailboxes located 3 feet (1 m) or more from the microphone.
  - 3) Traffic railings of any type of construction except solid concrete barriers.
  - 4) Chain-link fences or any vegetation such as bushes, shrubs, hedges and grass.
  - 5) One or more curbs having a height of 1 foot (.3 m) or less.
- c) The following objects may be within the test site if they are outside of the triangular measurement area of the site:
  - 1) Any vertical surface, regardless of size (such as a billboard), having a lower edge more than 15 feet (4.6 m) above the ground.
  - 2) Any uniformly smooth surface slanting away from the vehicle with a slope

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

that is less than 45 degrees above the horizontal.

- 3) Any surface slanting away from the vehicle that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the ground in the test site.

d)

- 1) The surface of the ground within the measurement area must be relatively flat. The site shall be a "hard" site. However, if the site is determined to be "soft," the correction factor specified below shall be subtracted from the applicable sound level limit.
- 2) When measurements are made upon a test site which is "soft," a correction factor of 2 dB(A) shall be subtracted from the sound level limits of 35 Ill. Adm. Code 902.121(c) and 902.123(d).

**Section 952.132 Ambient Conditions**

a) Sound

- 1) The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise emanating from within the clear zone, with fast meter response using a sound level measurement system that conforms to these procedures.
- 2) The measured ambient level must be 10 dB(A) or more below that level which corresponds to the maximum permissible sound level reading which is applicable at the test site at the time of testing. The maximum permissible sound level reading is the sound level limit plus the necessary site corrections.

b) Wind. Noise measurements may only be made if the measured wind velocity is 12 mph (19.3 kph) or less. The wind velocity at the test site shall be measured at the beginning of each series of noise measurements and at intervals of 5-15 minutes thereafter until it has been established that the wind velocity is essentially constant. Once this fact has been established, wind velocity measurements may be made at intervals of once every hour. Gust wind measurements of up to 20

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

mph (33.2 kph) are allowed, although sound level measurements may not be taken at these times.

- c) Precipitation. Measurements are prohibited under any conditions of precipitation, however, measurements may be made with snow on the ground. The ground within the measurement area must be free of standing water.

**Section 952.133 Location and Operation of Sound Level Measurement System**

- a) The microphone of a sound level measurement system that conforms to these measurement procedures shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 3.5 feet (1.1 m) above the surface on which the microphone stands. The preferred microphone height on flat terrain is 4 feet (1.2 m).
- b) When the sound level measurement system is hand-held or otherwise monitored by a person located near its microphone, the holder must orient himself relative to the highway in a manner consistent with the recommendation of the manufacturer of the sound level measurement system. In no case shall the holder or observer be closer than 2 feet (.6 m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.
- c) The microphone of the sound level measurement system shall be oriented toward the vehicle at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle of orientation for its microphone, the microphone shall be oriented at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plane of the test site at the microphone target point.
- d) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

**Section 952.134 Measurement Procedure**

In accordance with this Subpart, a measurement shall be made of the sound level generated by a stationary motor vehicle as follows:

- a) Park the motor vehicle on the test site as specified in this Subpart. If the motor vehicle is a combination (articulated) vehicle, park the combination so that the

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

longitudinal centerlines of the towing vehicle and the towed vehicle or vehicles are in substantial alignment.

- b) Turn off all auxiliary equipment which is installed on the motor vehicle and which is designed to operate under normal conditions only when the vehicle is operating at a speed of 5 mph (8 kph) or less. Examples of such equipment include cranes, asphalt spreaders, liquid or slurry pumps, auxiliary air compressors, welders and trash compactors.
- c) If the motor vehicle's engine radiator fan drive is equipped with a clutch or similar device that automatically either reduces the rotational speed of the fan or completely disengages the fan from its power source in response to reduced engine cooling loads, park the vehicle before testing with its engine running at high idle or any other speed the operator may choose, for sufficient time but not more than 10 minutes, to permit the engine radiator fan to automatically disengage when the vehicle's noise emissions are measured under stationary test.
- d) With the motor vehicle's transmission in neutral and its clutch engaged, rapidly accelerate the vehicle's engine from idle to its maximum governed speed with wide open throttle. Return the engine's speed to idle.
- e) Observe the maximum reading on the sound level measurement system during the time the procedures specified in subsection (d) are followed. Record that reading, if the reading has not been influenced by extraneous noise sources such as motor vehicles operating on adjacent roadways.
- f) Repeat the procedures specified in subsections (d) and (e) until the first two maximum sound level readings that are within 2 dB(A) of each other are recorded. Numerically average those two maximum sound level readings.
- g) The average reading, obtained in accordance with subsection (f), is the sound level generated by the motor vehicle for the purpose of determining whether it conforms with the equivalent sound level limits of 35 Ill. Adm. Code 902.121(c) or 902.123(d).

SUBPART E: MICROPHONE DISTANCE  
CORRECTION FACTORS

**Section 952.140 Microphone Distance Correction Factors**

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- a) Scope of this Subpart
- 1) This Subpart specifies correction factors which are added to the applicable sound level limit to be compared with the measured sound level generated by a motor vehicle.
  - 2) The purpose of adding a correction factor is to determine equivalent sound level limits for distances between the microphone target point and the microphone location point other than 50 feet (15.2 m).
- b) Microphone Distance Correction Factors

If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the equivalent sound level limit shall be determined by adding the correction factor specified in the following table to the applicable sound level limit:

## DISTANCE CORRECTION FACTORS

If the distance between the microphone location point and the microphone target point is:	The value (dB(A) to be added to the applicable sound level limit is:
26 feet (7.9 m) or more but less than 29 feet (8.8 m)	+7
29 feet (8.8 m) or more but less than 32 feet (9.8 m)	+6
32 feet (9.8 m) or more but less than 35 feet (10.7 m)	+5
35 feet (10.7 m) or more but less than 39 feet (11.9 m)	+3
39 feet (10.7 m) or more but less than 43 feet (13.1 m)	+2

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

43 feet (13.1 m) or more but less than 48 feet (14.6 m)	+1
48 feet (14.6 m) or more but less than 58 feet (17.7 m)	0
58 feet (17.7 m) or more but less than 70 feet (21.3 m)	-1
70 feet (21.3 m) or more but less than 83 feet (25.3 m)	-2
83 feet (25.3 m) or more but less than 100 feet (30.2 m)	-3

- c) Application of Correction Factors  
If two or more correction factors apply to a sound level limit they are applied cumulatively.

## SUBPART F: EXHAUST SYSTEMS AND TIRES

**Section 952.150 Exhaust Systems and Tires**

- a) Exhaust Systems  
A motor vehicle does not conform to the visual exhaust system inspection requirements of 35 Ill. Adm. Code 902.101 and 902.123(b), if inspection of the exhaust system of the motor vehicle discloses that the system:
- 1) Has a defect which adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements (small traces of soot or flexible exhaust pipe sections shall not constitute a violation of 35 Ill. Adm. Code 902.101 and 902.123(b);
  - 2) Is not equipped with either a muffler or other noise dissipation device; or
  - 3) Is equipped with a cut-out, by-pass or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.
- b) Tires. A motor vehicle does not conform to the visual tire inspection

## ENVIRONMENTAL PROTECTION AGENCY

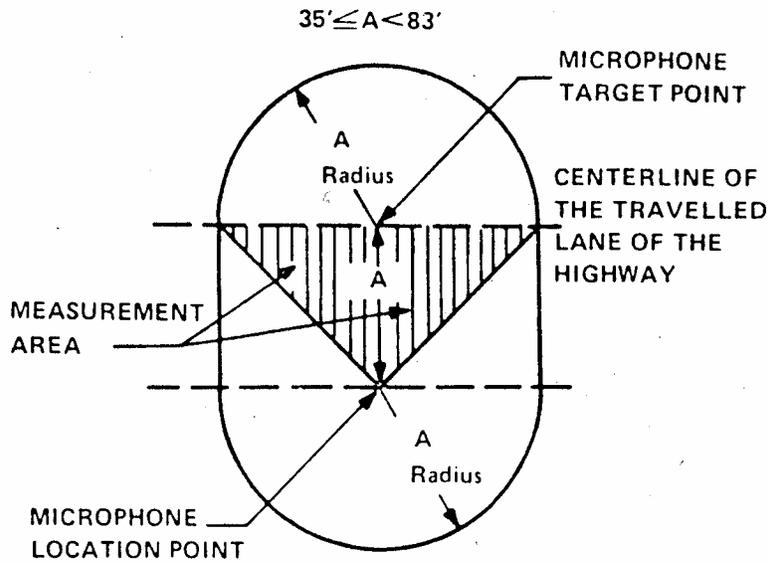
## NOTICE OF PROPOSED REPEALER

requirements, 35 Ill. Adm. Code 902.102 and 902.123(b), if inspection of any tire on which the vehicle is operating discloses that the tire has a tread pattern composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

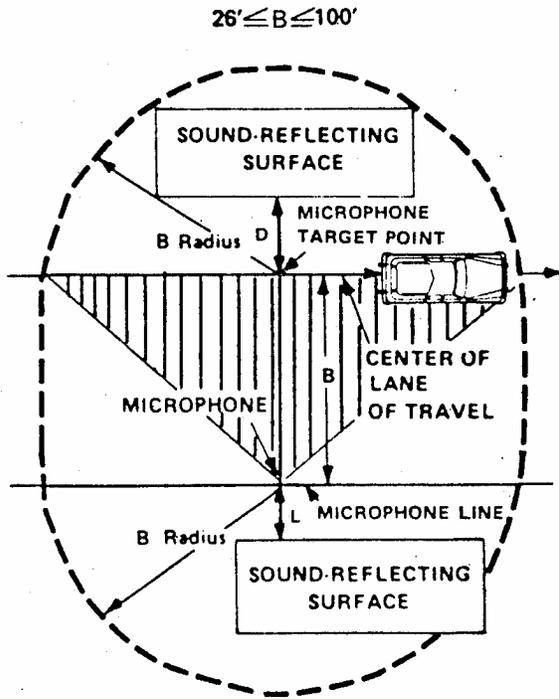
Section 952.APPENDIX A Standard Test Site: Highway Operations



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

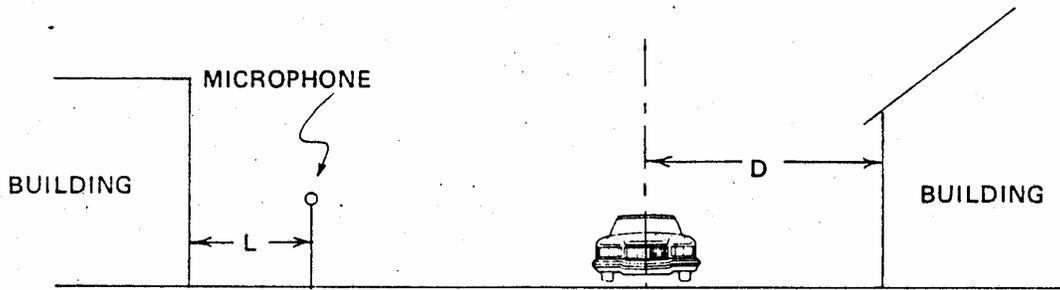
Section 952.APPENDIX B Restricted Measuring Site: Highway Operations



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

**Section 952.APPENDIX C Restricted Measuring Site "D" AND "L" Determination for Reflective Surface Correction**



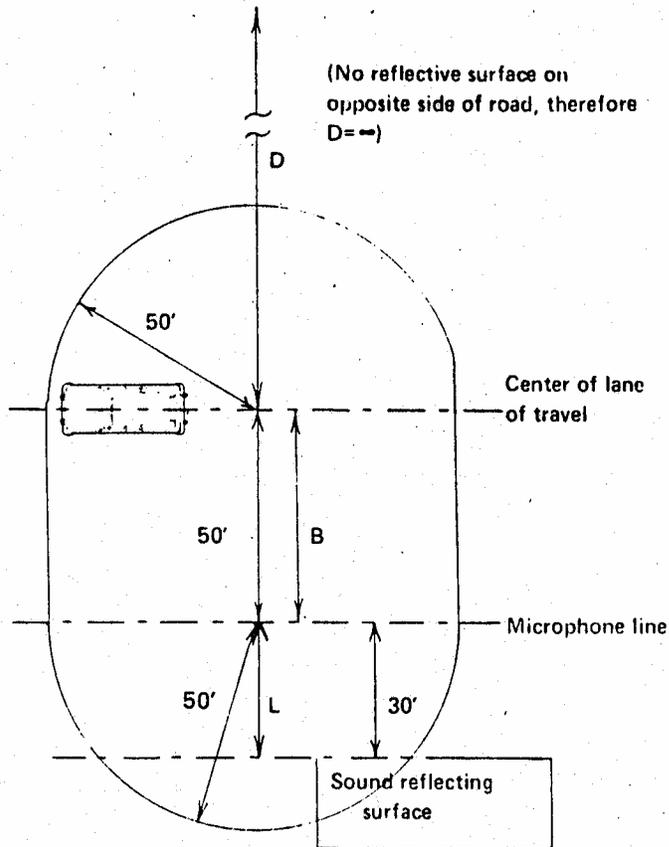
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 952.APPENDIX D Example of D and L Determination

Example:  
L=30'  
D=∞  
∴ From Figure 5,  
Correction= 1dB

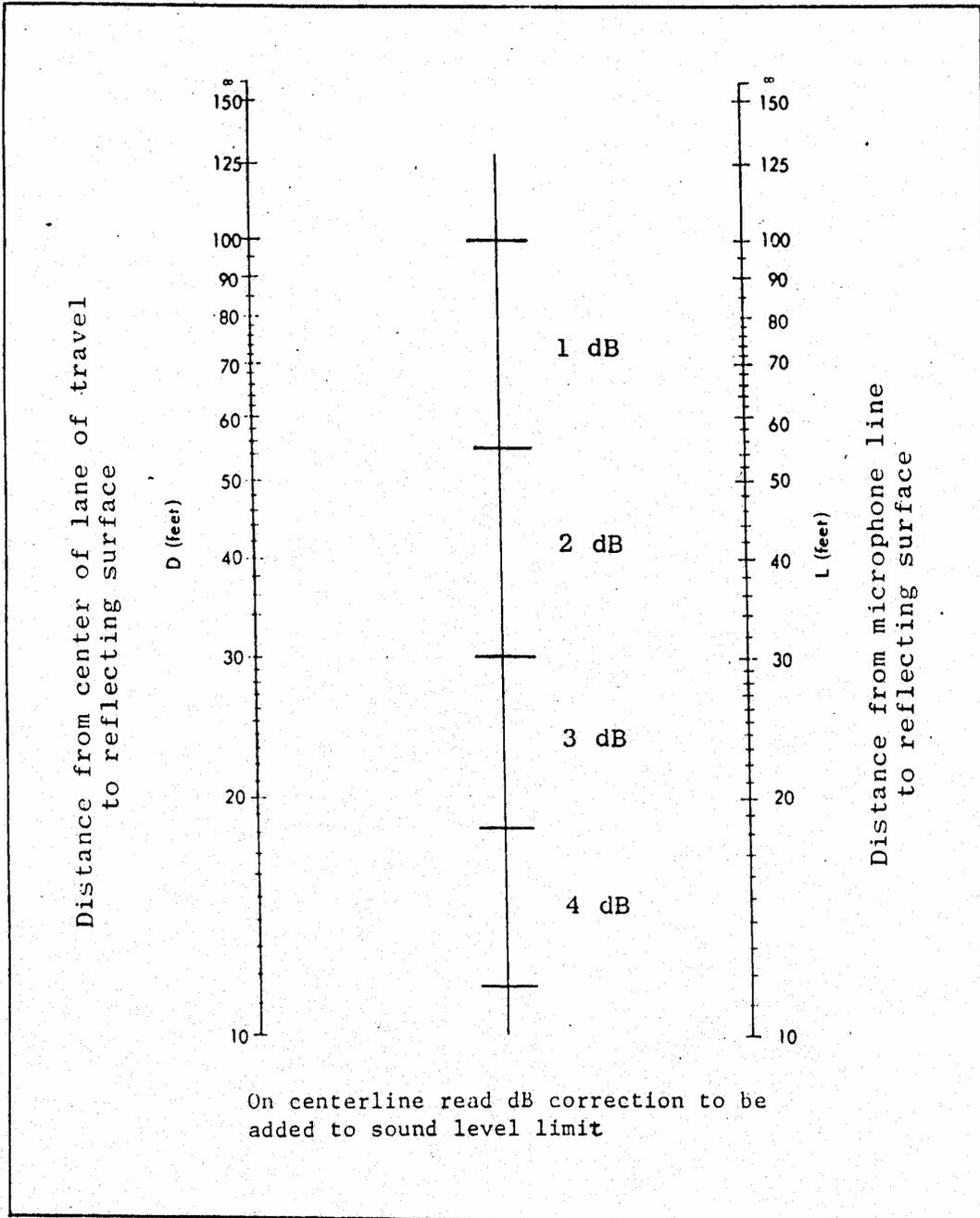
(No reflective surface on  
opposite side of road, therefore  
D=∞)



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 952.APPENDIX E Nomograph to Determine Corrections for Reflective Surfaces

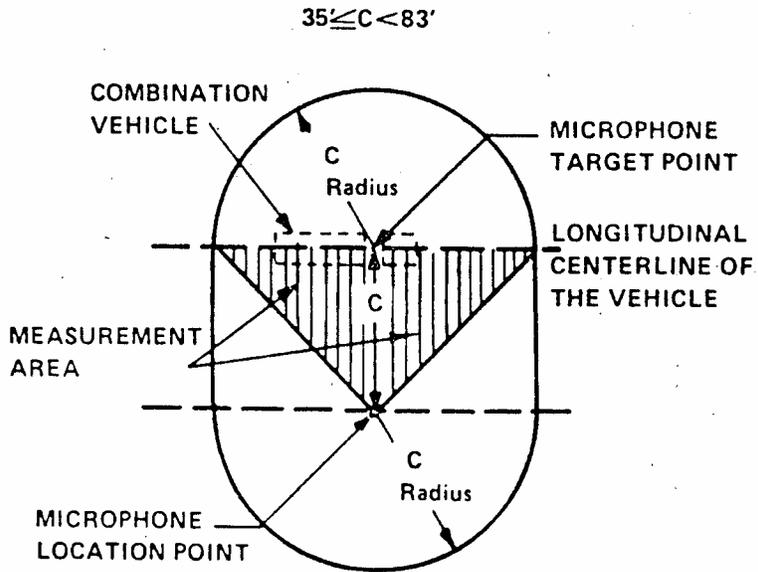


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NOTICE OF PROPOSED REPEALER

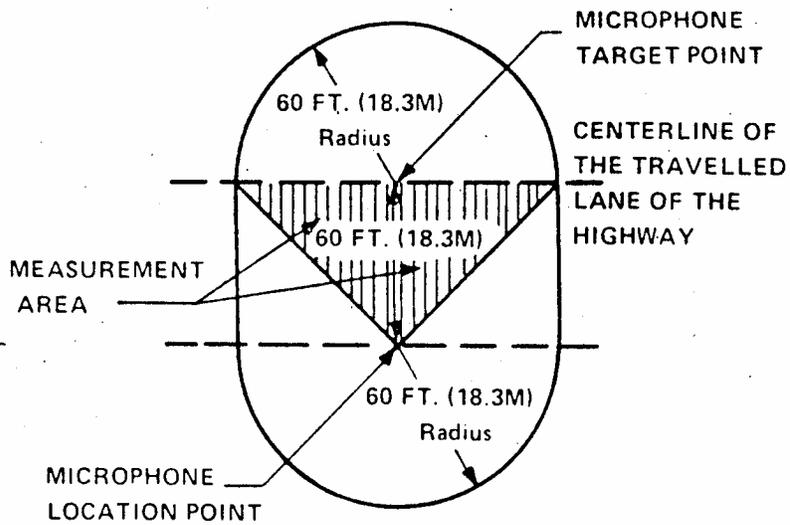
Section 952.APPENDIX F Standard Test Site: Stationary Test



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

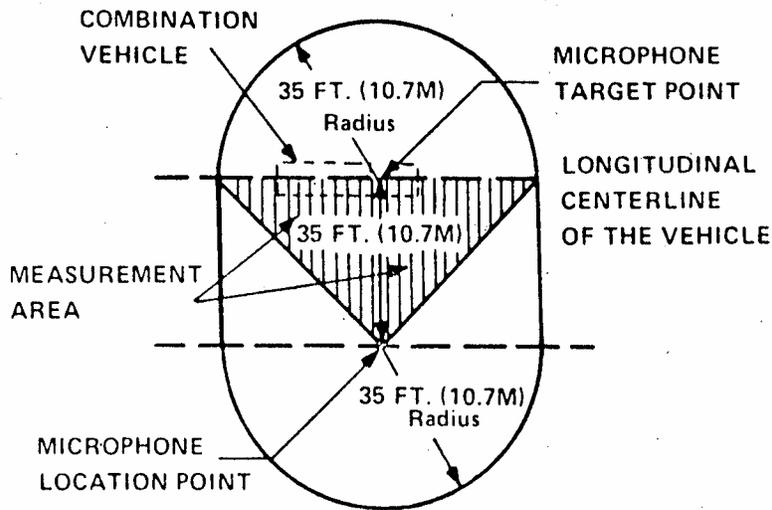
**Section 952.APPENDIX G Example of Standard Test Site: Highway Operations (60 feet (18.3 m) Distance Between Microphone Location and Target Points)**



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

**Section 952.APPENDIX H Example of Standard Test Site: Stationary Test (35 feet (10.7 m) Distance Between Microphone Location and Target Points)**



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 952.APPENDIX I Passenger Car Microphone Positions

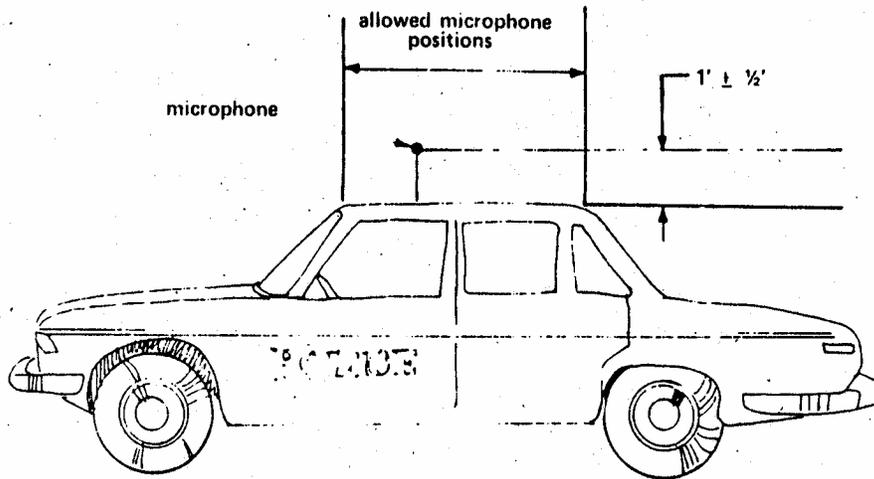


Figure 1 Elevation view

The microphone shall be located 1 ft. (.3m) plus or minus 1/2 ft. (.15m) above the roof.

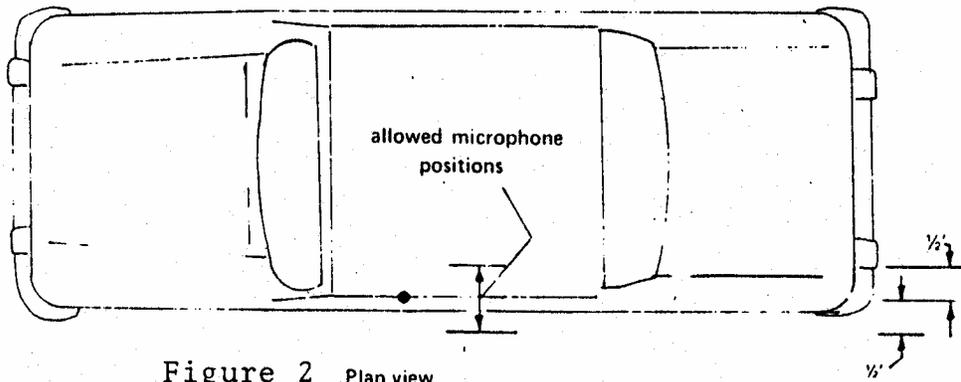


Figure 2 Plan view

The microphone shall be located in line with the edge of the roof on the driver's side of the passenger car plus or minus 1/2 ft. (.15m).

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

**Section 952.APPENDIX J Old Rule Numbers Referenced**

The following table is provided to aid in referencing old Agency rule numbers to section numbers pursuant to codification.

Old	35 Ill. Adm. Code Part 952
Part A	Section 952.100
Part B	Section 952.110
Part C	Section 952.120
	Section 952.121
	Section 952.122
	Section 952.123
	Section 952.124
	Section 952.125
Part D	Section 952.130
	Section 952.131
	Section 952.132
	Section 952.133
	Section 952.134
Part E	Section 952.140
Part F	Section 952.150
Figure 1	Appendix A
Figure 2	Appendix B
Figure 3	Appendix C
Figure 4	Appendix D
Figure 5	Appendix E
Figure 6	Appendix F
Figure 7	Appendix G
Figure 8	Appendix H
Figure 9	Appendix I
Added in Codification	Appendix J

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Ginseng Harvest and Commerce Regulations
- 2) Code Citation: 17 Ill. Adm. Code 1580
- 3) Section Number: 1580.10                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Ginseng Harvesting Act [525 ILCS 20]
- 5) A Complete Description of the Subjects and Issues Involved: This Section is being amended to update license purchasing information and to more clearly identify fees charged for licenses.
- 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:

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

217/782-1809

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This Part affects ginseng dealers, harvesters and growers.

B) Reporting, bookkeeping or other procedures required for compliance: Dealers must keep written records of their purchases, submit them monthly to the Department and submit an annual report to the Department.

Growers must keep written records of the location and size of their cultivated ginseng stands, keep a written record of the harvest and sale of cultivated ginseng and submit yearly reports to the Department.

Harvesters must follow procedures limiting the taking to plants that are at 10 years of age (4-leafed) or older and requiring planting of all the seeds from harvested plants in the vicinity of the parent plants in a manner which will encourage their germination and growth.

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: it was determined this language should be incorporated into this Part after the July 2007 agenda was filed.

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER d: FORESTRYPART 1580  
GINSENG HARVEST AND COMMERCE REGULATIONS

Section	
1580.10	Licensing Procedure
1580.20	Revocation of License (Repealed)
1580.30	Harvest Season
1580.35	Harvest Regulations for Wild Ginseng
1580.40	Records of Dealers
1580.50	Records of Growers
1580.60	Reports of Growers
1580.70	Certification of Ginseng Shipments

AUTHORITY: Implementing and authorized by the Ginseng Harvesting Act [525 ILCS 20].

SOURCE: Emergency rule adopted at 7 Ill. Reg. 15888, effective November 16, 1983, for a maximum of 150 days; adopted at 8 Ill. Reg. 3670, effective March 8, 1984; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 26 Ill. Reg. 16537, effective October 28, 2002; amended at 30 Ill. Reg. 458, effective January 3, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1580.10 Licensing Procedure**

- a) Ginseng dealer, grower and harvester licenses are available for purchase through DNR authorized vendors, and through DNR Direct by phone (1-888-673-7648) and over the internet (www.dnr.state.il.us)~~Ginseng dealer and grower licenses are available only through a mail application addressed to Ginseng Program, License Unit, Illinois Department of Natural Resources, One Natural Resources Way, P.O. Box 19458, Springfield IL 62794-9458. Applications must include name and address of applicant and must be accompanied by a check or money order payable to Illinois Department of Natural Resources in the amounts of \$25 for growers license, \$50 for resident dealers license and \$100 for non resident dealers license.~~
- b) Fees for licenses shall be as follows:~~Ginseng harvester licenses are available from~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

~~the Department of Natural Resources, License Unit, One Natural Resources Way, P.O. Box 19458, Springfield IL 62794-9458. The fee is \$7 plus \$.50 issuing fee. Ginseng harvester licenses may be consigned by the Department pursuant to the provision of 17 Ill. Adm. Code 2520.~~

- 1) \$25 for grower's license
  - 2) \$50 for resident dealer's license
  - 3) \$100 for non-resident dealer's license
  - 4) \$7 for ginseng harvester's license
  - 5) \$.50 issuing fee for each license
- c) Persons who purchase one and two year old live cultivated ginseng plants for the purpose of propagation are not required to obtain a ~~dealer's~~ license.

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2185                      Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/213 and 5/1401
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the film production services credit regulation to implement the provisions of Public Act 94-0171 and to take into account changes in the regulations adopted by the Department of Commerce and Economic Opportunity in 14 Ill. Adm. Code 528 regarding administration of the credit.
- 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? Yes  

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.2470	Amendment	31 Ill. Reg. 12296
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton  
Deputy General Counsel - Income Tax  
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses engaged in film production activities will receive guidance on how film production services credits earned or transferred may be claimed on their Illinois income tax returns. Municipalities and not-for-profit corporations are not affected.
  - 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 rule making was summarized: July 2007

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

## Section

- 100.2000 Introduction  
100.2050 Net Income (IITA Section 202)

## SUBPART B: CREDITS

## Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))  
100.2101 Replacement Tax Investment Credit (IITA 201(e))  
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))  
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))  
100.2130 Investment Credit; High Impact Business (IITA 201(h))  
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))  
100.2150 Training Expense Credit (IITA 201(j))  
100.2160 Research and Development Credit (IITA 201(k))  
100.2163 Environmental Remediation Credit (IITA 201(l))  
100.2165 Education Expense Credit (IITA 201(m))  
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)  
100.2180 Credit for Residential Real Property Taxes (IITA 208)  
100.2185 Film Production Services Credit (IITA 213)  
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)  
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)  
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)  
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))  
100.2198 Economic Development for a Growing Economy Credit (IITA 211)  
100.2199 Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

## Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES  
OCCURRING ON OR AFTER DECEMBER 31, 1986

## Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF  
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

## Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

## SUBPART F: BASE INCOME OF INDIVIDUALS

## Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

## Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND  
APPORTIONMENT OF BASE INCOME

## Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

## SUBPART J: COMPENSATION

## Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

## SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) - In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

## SUBPART M: ACCOUNTING

## Section

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

100.4500 Carryovers of Tax Attributes (IITA Section 405)

## SUBPART N: TIME AND PLACE FOR FILING RETURNS

## Section

100.5000 Time for Filing Returns: Individuals (IITA Section 505)  
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)  
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)  
100.5040 Innocent Spouses  
100.5050 Frivolous Returns  
100.5060 Reportable Transactions

## SUBPART O: COMPOSITE RETURNS

## Section

100.5100 Composite Returns: Eligibility  
100.5110 Composite Returns: Responsibilities of Authorized Agent  
100.5120 Composite Returns: Individual Liability  
100.5130 Composite Returns: Required forms and computation of Income  
100.5140 Composite Returns: Estimated Payments  
100.5150 Composite Returns: Tax, Penalties and Interest  
100.5160 Composite Returns: Credits for Resident Individuals  
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

## SUBPART P: COMBINED RETURNS

## Section

100.5200 Filing of Combined Returns  
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns  
100.5205 Election to File a Combined Return  
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns  
100.5215 Filing of Separate Unitary Returns  
100.5220 Designated Agent for the Members  
100.5230 Combined Estimated Tax Payments  
100.5240 Claims for Credit of Overpayments  
100.5250 Liability for Combined Tax, Penalty and Interest

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

## SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

## Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

## Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## SUBPART S: INFORMATION STATEMENT

## Section

100.7200	Reports for Employee (IITA Section 703)
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## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

## Section

100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

## Section

100.9000 General Income Tax Procedures (IITA Section 901)  
100.9010 Collection Authority (IITA Section 901)  
100.9020 Child Support Collection (IITA Section 901)

## SUBPART V: NOTICE AND DEMAND

## Section

100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

## Section

100.9200 Assessment (IITA Section 903)  
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

## Section

100.9300 Deficiencies and Overpayments (IITA Section 904)  
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)  
100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

## Section

100.9400 Credits and Refunds (IITA Section 909)  
100.9410 Limitations on Claims for Refund (IITA Section 911)  
100.9420 Recovery of Erroneous Refund (IITA Section 912)

## SUBPART Z: INVESTIGATIONS AND HEARINGS

## Section

100.9500 Access to Books and Records (IITA Section 913)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

100.9505	Access to Books and Records - 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

## SUBPART AA: JUDICIAL REVIEW

## Section

100.9600	Administrative Review Law (IITA Section 1201)
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## SUBPART BB: DEFINITIONS

## Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

## SUBPART CC: LETTER RULING PROCEDURES

## Section

100.9800	Letter Ruling Procedures
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## SUBPART DD: MISCELLANEOUS

## Section

100.9900	Tax Shelter Voluntary Compliance Program
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## 100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687,

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CREDITS

**Section 100.2185 Film Production Services Credit (IITA 213)**

- a) For taxable years beginning on or after January 1, 2004, a ~~person taxpayer~~ awarded a credit under the Film Production Services Tax Act [35 ILCS 15] *is entitled to a credit against the taxes imposed under subsections (a) and (b) of IITA Section 201 in an amount determined by the Department of Commerce and Economic Opportunity (IITA Section 213). The amount of the credit shall be the amount shown on the ~~Final Film~~-Tax Credit Certificate issued by the Department of Commerce and Economic Opportunity under 14 Ill. Adm. Code ~~528.70 or the Certificate of Transfer issued by the Department of Commerce and Economic Opportunity under 14 Ill. Adm. Code 528.85~~528.80.*
- b) Year in which Credit is Taken. The credit allowed under this Section shall be taken in the taxable year ~~that in which~~ *includes the date of the ~~Final Film~~-Tax Credit Certificate ~~is~~ issued by the Department of Commerce and Economic Opportunity under 14 Ill. Adm. Code ~~528.70~~528.80.*

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- c) In the case of a credit earned by a partnership or Subchapter S corporation, the credit passes through to the owners as provided in the partnership agreement under IRC Section 704(a) or in proportion to their ownership of the stock of the Subchapter S corporation under IRC Section 1366(a). The credit earned by a partnership or Subchapter S corporation will be treated as earned by its owners as of the last day of the taxable year of the partnership or Subchapter S corporation in which the ~~Final Film~~ Tax Credit Certificate is issued by the Department of Commerce and Economic Opportunity under 14 Ill. Adm. Code ~~528.70528.80~~ and shall be allowed to each owner in the taxable year of the owner in which the taxable year of the partnership or Subchapter S corporation ends.
- d) For tax years ending prior to July 11, 2005 (the effective date of Public Act 94-0171), the credit may not be carried forward or back. For tax years ending on or after July 11, 2005, if the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, the earlier credit shall be applied first. In no event shall a credit under this Section reduce the taxpayer's liability to less than zero. (IITA Section 213)
- e) Transfer of Credit. A transfer of this credit may be made by the person earning the credit within one year after the credit is awarded in accordance with rules adopted by the Department of Commerce and Economic Opportunity. (IITA Section 213, as amended by Public Act 94-0171)
- 1) Transfers shall be made pursuant to 14 Ill. Adm. Code 528.85.
  - 2) A credit may be transferred to a partnership or Subchapter S corporation, in which case the partners or shareholders of the transferee shall be entitled to the transferred credit in the amounts determined under subsection (c) of this Section.
  - 3) A credit may be transferred after the end of the taxable year of the transferee in which the credit is to be taken under subsection (b) of this Section. If the transferee has already filed its return for that taxable year, it will need to file a corrected or amended return, for that taxable year, claiming the credit.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- f) Documentation of the Credit. A ~~person taxpayer~~ claiming the credit allowed under this Section shall attach to its Illinois income tax return a copy of the ~~Final-Film Tax Credit Certificate~~ or the Certificate of Transfer issued by the Department of Commerce and Economic Opportunity and, in the case of a partner in a partnership or a shareholder of a Subchapter S corporation that earned the credit, a Schedule K-1-P or other written statement from the partnership or Subchapter S corporation stating the portion of the total credit shown on the ~~Final-Film Tax Credit Certificate~~ or Certificate of Transfer that is allowed to that partner or shareholder and the taxable year of the partnership or Subchapter S corporation in which the ~~Final-Film Tax Credit Certificate~~ was issued.

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3030.10	Amend
3030.50	Amend
3030.65	Amend
3030.90	Amend
3030.105	Repeal
3030.106	Repeal
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The Sections regarding Illinois State Library grant programs currently existing in this Part, The Illinois Library System Act (23 Ill. Adm. Code 3030), are being placed in a new Part, Illinois State Library Grant Programs (23 Ill. Adm. Code 3035). The programs being removed from this Part involve regional library systems grants, library technology grants, special library services to the blind and physically handicapped, public library per capita and equalization grants, school district library grants, Educate & Automate automation/technology grants, and library grants for veterans' homes. Technical corrections are being made to Sections 3030.10 and 3030.50.
- 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 any 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: The objective is to consolidate all rules regarding grants issued by the Illinois State Library into a single Part to facilitate ease of use.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on these proposed amendments:

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

217/558-4185; jnatale@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profits 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 2007

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATEPART 3030  
THE ILLINOIS LIBRARY SYSTEM ACT

Section	
3030.10	Definitions
3030.15	Forms
3030.20	Administration of the Act: Hearings
3030.25	Establishment of Systems
3030.30	Geographic Boundaries
3030.35	Membership in a Library System
3030.40	Contracting Libraries
3030.45	Accessing Resources and Services (Repealed)
3030.50	Service Standards
3030.55	Service to State Institutions (Repealed)
3030.60	Services to the Physically Disabled (Repealed)
3030.65	Plan of Service for a Cooperative or Multitype Library System
3030.70	Plan of Service for a Public Library System (Repealed)
3030.75	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.80	Liquidation
3030.85	Merger
3030.90	Finances and Records
3030.95	Governing Board
3030.100	Rules
3030.105	State Grants <u>(Repealed)</u>
3030.106	Educate & Automate Automation/Technology Grants <u>(Repealed)</u>
3030.110	Revocation of Approval
3030.115	Suspension of a Library from Membership
3030.120	Adjustment of the Geographic Boundaries of Library Systems
3030.121	Administrative Review of State Librarian's Decision in Contested Cases
3030.122	Notice of Hearing
3030.123	Conduct of Hearing
3030.124	Motions
3030.125	Order of the Hearing
3030.126	Authority of Administrative Law Judge

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

3030.127	Record of the Hearing
3030.128	Rules of Evidence; Official Notice
3030.129	Decisions and Orders
3030.130	Annual System Reports
3030.135	Withdrawal of Membership

**AUTHORITY:** Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

**SOURCE:** Rules and Regulations for Library Systems and State Aid, November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. 13154, effective May 3, 1994; amended at 20 Ill. Reg. 3909, effective February 16, 1996; emergency amendment at 21 Ill. Reg. 4853, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 11774, effective August 11, 1997; amended at 26 Ill. Reg. 5969, effective July 1, 2002; amended at 28 Ill. Reg. 7666, effective June 1, 2004; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 3030.10 Definitions**

"Academic Library": The library or libraries of an institution of education beyond the secondary level.

"The Act": The Illinois Library System Act. ~~(Ill. Rev. Stat. 1991, ch. 81, pars. 111 et seq.)~~ [75 ILCS 10].

"Constituent": An individual who is legally eligible to borrow materials from a specific library by virtue of his or her relationship to the library or its parent institution.

"Contracting Library": A library or libraries with which a library system board contracts to provide system members with services.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Developmental ~~Member Library~~~~member-library~~": A library ~~that~~~~whieh~~ meets the definition of "Library" in this ~~Section~~~~Part~~ and the requirements of developmental membership cited in Section 3030.35(a) of this Part.

"Encumbrance": An obligation arising from the issuance of purchase orders and/or contracts chargeable to system budget allocations.

"Full Member Library": A library ~~that~~~~whieh~~ meets the criteria for library system membership as defined by the library system board, subject to approval by the State Librarian.

"Governing Authority": The body or individual ~~that~~~~whieh~~ has the legal authority to enter into legal contracts on behalf of the institution desiring to become a member or affiliate of a library system.

"Library": Unless otherwise defined as a public library by statute, an entity ~~that~~~~whieh~~ serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least ~~15~~~~fifteen~~ hours per week as the librarian. The collection must have permanent financial support, be accessible centrally, and occupy identifiable quarters in one principal location. These requirements can be met through contractual services provided by another library.

"Library Interests": The characteristics of member libraries of systems, and the communities and constituents they serve, ~~that~~~~whieh~~ affect representation on system boards. ~~Library~~~~Sueh~~ interests include, but are not limited to, types of libraries, and size and geographic distribution of communities served.

"Long Range Plan": The component of the system plan of service, ~~that~~~~whieh~~ details the program for system headquarter's operations and for the development of the library system over a three to five year period of time, ~~and~~~~whieh~~ states the assessed needs of libraries the system will meet, and ~~whieh~~ sets forth the programs, goals, objectives, and strategies designed to meet those needs.

"Management ~~Letter~~~~letter~~": A letter from an auditor accompanying a financial audit ~~that~~~~whieh~~ discusses the library's accounting practices, internal controls and operating procedures.

"Non-resident": A person who resides outside the taxing area of a public library.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Plan of Service": The system plan of service describes *the specific purposes for which the system is formed, and the means by which such purposes are to be accomplished* (Section 4 of the Act). The system plan shows how the library system will achieve the objectives and standards of the Illinois Library System Act and this Part.

"Public Library": A tax-supported public library established by or as a governmental unit ~~that~~~~which~~ either is authorized to levy a tax for library purposes, or ~~which~~ supports the library at least in part from local tax revenues other than federal revenue sharing. Such a library is established by a city, village, incorporated town, township, county or library district under the Illinois Local Library Act (~~Ill. Rev. Stat. 1991, ch. 81, pars. 1-0.1 et seq.~~) [75 ILCS 5], the Village Library Act (~~Ill. Rev. Stat. 1991, ch. 81, pars. 16 b.9 et seq.~~) [75 ILCS 40], Division 5-38 of the Counties Code, (Public County Library Service) (~~Ill. Rev. Stat. 1991, ch. 34, pars. 5-38001 et seq.~~) [55 ILCS 5/Div. 5-38], the Village Library Conversion Act (~~Ill. Rev. Stat. 1991, ch. 81, par. 27.31h et seq.~~) [75 ILCS 45], the Library Property Sale Act (~~Ill. Rev. Stat. 1991, ch. 81, pars. 27.99 et seq.~~) [75 ILCS 55], and the Public Library District Act of 1991 [75 ILCS 16]. This definition excludes free public libraries established by villages but not supported at least in part from local tax revenues, and incorporated free public libraries not established by a governmental unit.

"Reciprocal Access": The means by which the library resources of all member libraries of a full member library system are made available to all constituents within the system area. These means may include some necessary and reasonable restrictions, approved by a library system board, as, for example, by information passports, interlibrary loans, photocopy service, reference service, use on site and courtesy cards.

"Reciprocal Borrowing": The right of a person holding a valid library registration card from a full member public library or a library system, to borrow on site from all the other public libraries ~~that~~~~which~~ are full members of the library system without using interlibrary loan mechanisms.

"School Library": The library or libraries of an elementary and/or secondary school district, or private elementary and/or secondary schools under a single governing authority.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Should": Recommended, not mandatory action.

"Special Library": The library of, or under, the governing authority of any body or institution not defined elsewhere in this Part.

"State Institutions": Penal institutions, reformatories, residential training schools, orphanages, hospitals, residential schools for the physically handicapped operated or substantially supported by the State of Illinois.

"State Librarian": The Secretary of State of Illinois.

"System Administrative Headquarters": The ~~system administrative headquarters~~ refers to the facility ~~that~~which is identified by the system as its administrative headquarters.

"System Service Area": The ~~system service area refers to the~~ land area within the geographic boundaries of a library system.

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

**Section 3030.50 Service Standards**

Each System shall implement the following service standards:

- a) Implementation of Standards for System Agencies
  - 1) FY92-93 - System agencies are expected to meet standards designated by the State Librarian in 1991 by June 30, 1993. System agencies must continue to meet these standards in subsequent years. If they cannot meet these designated standards they must have submitted a plan, accepted by the State Librarian, ~~that~~which explains how the standards will be met.
  - 2) FY93 - System agencies must submit to the State Librarian a report outlining implementation plans for the remaining standards by June 30, 1993.
  - 3) FY95 - System agencies must annually report progress toward meeting the agreed upon standards to the State Librarian.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 4) FY96 - System agencies are expected to have met all the standards by June 30, 1996, or the system agency must have submitted a plan, accepted by the State Librarian, that explains how the remaining standards will be met.
- b) Addressing Standards
- 1) Existing system agency staff as of July 1, 1991 are grandfathered in for purposes of experience and educational background requirements. The staffing levels outlined in the standards do not demand that every staffing requirement be addressed by employing a full-time person. As an example, the same staff member may be responsible for bibliographic access in subsection (f)(2)(A) and reciprocal access in subsection (k)(2)(~~A~~) of this Section.
  - 2) The Illinois State Library will work closely with the library systems in addressing the staffing needs and recognize that plans may need to be developed in FY96 to outline how any remaining staffing standards will be addressed.
- c) Implementation for Member Libraries
- 1) System member libraries should provide, as determined by the library systems of which they are a member, the library services that either meet or make progress toward meeting the membership responsibilities defined in [this Part](#) ~~these standards~~.
  - 2) Each library system shall submit to the State Librarian by July 1, 1992 a plan for implementation of these responsibilities by member libraries. This plan will designate priorities among listed responsibilities. The plan shall provide that individual libraries that cannot meet the system priorities within the timeframe set by the system can adopt a plan, accepted by the library system, to meet the responsibilities within a longer timeframe.
- d) General Administrative Standards
- 1) Library System Board of Directors
    - A) The system board of directors shall represent the system members

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

as a whole and not individual libraries or type of library.

- B) The system board shall annually review the proportion of the library interests represented on the library board.
- C) The system board and staff shall conduct an orientation program for new system board members.
- D) The system board members shall participate in continuing education events such as system and regional workshops and [Statestate](#) and national conferences.
- E) The system board shall meet a minimum of nine times per year, consistent with the Open Meetings Act [\[5 ILCS 120\]\(Ill. Rev. Stat. 1991, ch. 102, par. 41 et seq.\)](#).
- F) Board meetings and committee meetings shall be publicized to members so that members and systems staff shall have opportunity to attend. Written records shall be maintained of board meetings.
- G) The board shall adopt rules and policies in accordance with this Part and shall codify and disseminate them.
- H) The board shall annually review the by-laws, rules and policies and revise them as needed.
- I) The board shall annually review the membership eligibility criteria to ensure that they are equitable, nondiscriminatory and within the control of the library.
- J) The board shall be an advocate for libraries, uphold intellectual freedom and promote legislation of benefit to libraries.

## 2) Staff and Resources

- A) The system board shall employ an executive director, reporting to and accountable to the system board, who shall have a master's degree from an American Library Association-accredited library education program and who has a minimum of five years

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

postgraduate employment that includes a minimum of two that were in library administrative experience.

- B) The executive director shall hire enough technical and professional personnel as are required to operate the system and provide required training when appropriate.
  - C) The system agency shall have a compensation plan for the staff.
  - D) The system agency shall provide facilities and equipment appropriate for the program and supporting services.
  - E) The staff of the system agency shall be evaluated annually in writing.
- 3) Communications
- A) The executive director shall provide the system board of directors with information needed for policy decisions.
  - B) The system agency staff shall ensure publication of information that affects all types of libraries.
- 4) Planning and Evaluation
- A) The system agency shall ensure that all system members have opportunities for input into or comment on planning and evaluation activities, such as system plans of service, plans of cooperation, long-range plans, and program designs, including budgetary information, before such plans are finally adopted.
  - B) The system agency shall utilize these standards to evaluate core system services and administrative services.
  - C) The system agency shall keep statistics measuring its services.
  - D) The system agency should annually review the progress being made toward providing library service to all the residents of its geographic area.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 5) Interagency Relations
  - A) The system agency shall maintain communications with other system agencies and the Illinois State Library, sharing information on matters relating to system operations.
  - B) The system agency shall cooperate with other library and non-library agencies on matters of mutual interest and benefit, especially in areas in which contracts or programs of service are effective means of using limited financial resources. An example of a cooperative activity for consideration is contracting for services when contracting offers a more cost-effective means of providing a service to members and such service is of higher quality than can be offered by the individual system agency.
- 6) Management
  - A) The system agency shall foster awareness of current library developments and management trends. Newsletters, conducting or sponsoring of programs or workshops are examples.
  - B) The system agency shall regularly explore the most cost-effective approaches to services and administration. It shall adopt management procedures that ensure that it gets the best results for reasonable costs.
  - C) The system agency shall ensure that non-member libraries are aware of the advantages of system membership and encourage them to become members.
  - D) System financial resources shall be most concerned with benefit to members and shall not be used to reimburse libraries for services provided as a membership obligation to their primary clientele.
- 7) Member Library Responsibilities
  - A) Member libraries should participate in the system representation plan and provide the name of a representative for selection of the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

system board when expected to do so according to the plan.

- B) Member libraries should fulfill their responsibilities under the system plan of service or make measurable acceptable progress toward fulfilling them.
  - C) Member libraries should assess possibilities for library service to the unserved.
  - D) Member libraries should participate in the system decision-making process through attending meetings, responding to surveys and serving on committees.
  - E) Member libraries should continue local support for their own library services and not reduce such support as a result of membership in the system.
- e) Automation/Technology
- 1) Automation Technology - Administration and Service
    - A) The system agency shall have an operational automation plan that complements a statewide automation plan. The operational plan, as a minimum, shall:
      - i) identify areas of responsibility of the system agency and member libraries;
      - ii) identify consultant services by type of assistance and individual consultants;
      - iii) address the goal of universal interface;
      - iv) outline criteria for testing and implementing new technologies;
      - v) include an automation technology disaster and security plan.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- B) The system agency shall facilitate opportunities for members to participate in a shared automation system.
  - C) The system agency shall provide for demonstrations of appropriate technological advances for member libraries in convenient locations at least once per year.
- 2) Automation Technology - Staff and Resources
- A) The system agency shall provide for one or more consultants to advise member libraries on evaluating the use of automation/technology in improving library services and in addressing the system automation plan.
  - B) System automation consultants who specialize in automation/technology consulting shall meet the following minimum qualifications:
    - i) a ~~master's~~ ~~masters~~ degree in a pertinent subject area: for example, American Library Association-accredited Master of Library Science or Master of Science in computer science or information technology.
    - ii) at least three years of professional experience in an automation/technology field.
  - C) System consultants shall have at least 30 contact hours of continuing education each year, excluding attendance at general library conferences.
- 3) Automation Technology - Membership Responsibilities
- ~~A)~~ Member libraries should fulfill their responsibilities as identified in the system automation plan.
- f) Bibliographic Access
- 1) Bibliographic Access - Administration and Service
- A) The system agency, as a minimum, shall have an operational plan

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

for maximizing bibliographic access to member libraries. The operation plan shall:

- i) state the system agency goals and objectives in its provisions for bibliographic access (including the priorities of the various subjects and of resources);
  - ii) indicate the means of achieving these goals and objectives, the priorities and a schedule for their achievement;
  - iii) assign responsibilities for the implementation, evaluation and annual review and revision of the plan;
  - iv) identify how automated online access to unique holdings can be provided, including a timetable for achieving access.
- B) The system agency shall have an operational cooperative collection management plan that complements the statewide plan. The operational plan shall:
- i) describe the means of continuously identifying desired bibliographic resources not currently available in the collection of system members;
  - ii) identify existing resources to be preserved/retained;
  - iii) set up a system-wide collection management framework.
- C) The system agency shall have ready electronic access to the automated library resources of the agency and member libraries.
- D) The system agency shall participate in the computerized linking of bibliographic databases.
- E) The system agency shall coordinate the development of protocols for use of the members' bibliographic databases.
- F) The system agency shall promote and encourage computerized public access to the system's bibliographic ~~databases~~ [database\(s\)](#).

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 2) Bibliographic Access - Staff and Resources
  - A) The system agency shall assign a professional staff member to be responsible for the system's bibliographic access activities under the plan.
  - B) The system agency shall provide a directory of the bibliographic databases accessible within the system.
  - C) The system agency will work with member libraries in promoting the cataloging of library materials in MARC (Machine readable cataloging) format when entered into bibliographic databases.
  - D) The system agency shall have online access to national and international bibliographic databases.
- 3) Bibliographic Access - Membership Responsibilities
  - A) Member libraries should have bibliographically organized collections of library materials, cataloged in accordance with national standards such as ~~machine readable cataloging (MARC)~~ format, if automated, in order to facilitate access by other members.
  - B) Member libraries' computerized bibliographic records should be input according to the standards specified in a statewide automation plan.
    - i) Bibliographic control for the Illinois library automation network must be based upon standardized cataloging rules.
    - ii) The following data fields should also be used when entering new holdings into local, library system and ~~Statestate~~ databases: International Standard Book Number/International Serial Number (ISBN/ISSN), Library of Congress Card Number (LCCN) and Online Computer Library Center (OCLC) Number, if available. The entry of these specific elements in the database records will

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

facilitate resource sharing throughout the Statestate.

- C) Member libraries should participate in the system bibliographic access and cooperative collection management plans.
- g) Consulting
- 1) Consulting - Administration and Service
    - A) The system agency shall have an operational plan that describes consulting services offered to member libraries. The operational plan, as a minimum, shall:
      - i) identify the consulting services provided;
      - ii) identify the individuals individual(s) of the system staff or as otherwise designated by the system as the provider of the consulting service in each of the core service and general consulting areas;
      - iii) describe the means that the system has chosen to deliver the service, including shared consulting services with other systems;
      - iv) state the level of consulting assistance that can be expected.
    - B) The system agency shall provide consulting service in each of the core service areas and the following general areas: ~~—~~Collection Management, Establishment, Expansion and Development of Library Service, Grants Development, Interlibrary Cooperation Activities, Legislation/Law, Library and Personnel Administration, Marketing of Library Service, and Planning and Budgeting, and in such areas as the respective system needs assessment may indicate.
    - C) System consultants shall acknowledge requests for consulting within two working days.
    - D) System consulting service shall satisfy at least 90 percent of consulting requests in the core and general consulting areas listed

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

in subsection (g)(1)(B) ~~above~~ and in other areas as outlined in the system plan of consulting service.

- E) System consulting service shall satisfy the percentage indicated in ~~subsection (g)(1)(D) these standards~~ of requests for consulting within five working days or negotiate a different time limit with the ~~person~~ persons(s) making the request.

2) Consulting - Staff and Resources

- A) System consultants or other persons designated by the system to consult in the general consulting areas, as specified in subsection (g)(1)(B) of this Section, shall possess the following minimum qualifications:
- i) a fifth-year degree from an American Library Association-accredited library program; ~~or, if the consultant is not a librarian, the degree or other formal educational qualification generally accepted by the practitioners of that profession or occupational specialty as the minimum acceptable for such practitioner;~~
  - ii) at least three years' relevant experience in the consultant's designated ~~area~~ area(s) of expertise;
  - iii) demonstrated experience in effective written and oral communication, ~~as well as group process techniques.~~
- B) Each system having 100 or fewer members shall employ, contract for, or otherwise provide a minimum of three full-time equivalent (FTE) consultants, excluding the executive director. Each system having more than 100 members shall employ or contract for at least three FTE consultants, excluding the executive director, for the first 100 members and at least one additional consultant for each additional 50 members or any fraction of that number.
- C) Each full-time consultant shall spend at least 30 contact hours, and each part-time consultant shall spend at least the proportional amount of contact hours, in each calendar year attending

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

workshops, seminars, classes, etc., to improve specific skills relevant to the consulting assignment.

- D) Each consultant on the system's staff shall spend at least five days annually at system expense in attendance at regional, state, national or international professional meetings relevant to the consultant's profession.
- 3) Consulting - Membership Responsibilities
- A) Personnel in member libraries should be willing to share expertise with other member libraries.
  - B) Member libraries should be cognizant of the scope of the consulting services available through the system agency.
  - C) Member libraries should provide input on consulting needs to be addressed so that they may be included in the system plan.
- h) Continuing Education (CE)
- 1) Continuing Education - Administration and Service
- A) The system agency shall have a continuing education operational plan of service. The operational plan, as a minimum, shall:
    - i) describe the levels of continuing education for staff of all types of libraries;
    - ii) include programs convenient in time and place for target audience;
    - iii) provide opportunities for cosponsorship of events;
    - iv) identify a mechanism for determining priorities for continuing education;
    - v) provide for a method for annual review of programming needs;

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- vi) provide a mechanism for keeping track of continuing education credit.
  - B) The system agency shall maintain a continuing education calendar.
  - C) The system agency shall annually assess continuing education needs of members and design continuing education events to meet those needs on a timely basis.
  - D) The system agency shall annually provide or cosponsor at least 50 contact hours of continuing education for staff and governing officials of member libraries.
  - E) The system agency shall annually provide or cosponsor at least one continuing education event of each of the following types:
    - i) An orientation program for staff, trustees, and governing officials of member libraries;
    - ii) A workshop for governing officials in addition to the orientation program as outlined in subsection (d)(1)(~~CD~~) of this Section;
    - iii) A program of new developments in areas such as technology, legislation, and new approaches to problem solving.
- 2) Continuing Education - Staff and Resources
- A) The system agency shall designate a continuing education coordinator to guide the planning and implementation of continuing education programs.
  - B) The system agency shall provide access to adequate facilities/meeting rooms and equipment for presenting continuing education programs.
- 3) Continuing Education - Membership Responsibilities

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- A) Member libraries should provide paid release time for their professional staff to attend at least 10 contact hours, and for support staff to attend at least five contact hours, of system-sponsored or system-endorsed continuing education events annually.
  - B) The staff of member libraries should be willing to serve as resource people for continuing education events.
  - C) Member libraries should send appropriate persons to the orientation programs cited in subsection (h)(1)(E) of this Section.
- i) Delivery
- 1) Delivery - Administration and Service
    - A) The system agency shall have an operational delivery plan for delivery service to member libraries. The operational plan, as a minimum, shall:
      - i) identify delivery methods available and when to use each;
      - ii) describe delivery schedules and subschedules;
      - iii) identify fixed points for picking up and receiving materials;
      - iv) describe the mechanism for determining van delivery and locations and deliveries. For example: poundage, items;
      - v) provide for a mechanism for annual review;
      - vi) describe how the system delivery service interfaces with other systems through the Illinois Library Delivery Service (ILDS).
    - B) The system agency shall establish uniform procedures to govern problems related to delivery service. The uniform procedures, for example, should include:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- i) packaging standards and indemnification of suppliers for loss or damage in delivery;
  - ii) uniform format for schedules so that they can be shared between systems;
  - iii) statewide uniform statistical data-gathering methods;
  - iv) guarantees on payment for materials lost in transit.
- C) The system shall provide a vehicular delivery service to deliver materials to and from member libraries.
- D) Each member library shall receive direct delivery a minimum of two times per week when it needs and requests such delivery.
- E) Delivery points shall be determined on criteria including but not limited to volume of use, collection strengths and convenience of member libraries.
- F) The system agency shall ensure that each member library has an option for delivery up to five days per week to a drop-off point.
- G) The system agency shall have procedures for members that identify the means of delivery to be used in particular circumstances.
- 2) Delivery - Staff and Resources
- A) The system agency shall have staff to carry out the day-to-day operations of the delivery service.
  - B) The system agency shall ensure that its delivery service shall complete the delivery schedule a minimum of 98 percent of the time.
- 3) Delivery - Membership Responsibilities

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- A) Member libraries should have designated staff to oversee delivery at their libraries.
  - B) Member libraries should provide for delivery in accordance with the system delivery schedule.
  - C) Member libraries should have access to facilities for receiving electronic transmission of library materials 24 hours per day.
  - D) Member libraries should package materials for delivery in accordance with the system delivery plan.
  - E) Member libraries should utilize the system and statewide delivery services unless a more cost-effective method is available to them.
- j) Interlibrary Loan (ILL)
- 1) Interlibrary Loan - Administration and Service
    - A) The system agency shall have an operational plan for interlibrary loan, including interlibrary loan policy, a system ILL code, and ILL procedures, that encourage library to library interlibrary loan. The operational plan, as a minimum, shall:
      - i) describe procedures for monitoring compliance with the Illinois Library and Information Network (ILLINET) and system interlibrary codes;
      - ii) describe the complaint procedure;
      - iii) define responsibilities of the local library, along with procedures for submitting ILL requests to the system headquarters;
      - iv) specify intrastate, interstate and international ILL;
      - v) describe the system agency responsibilities for ILL;
      - vi) publish the list of authorized charges for those interlibrary

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

loan transactions ~~allowed, when allowable~~ according to the Illinois Interlibrary Loan Code;

- vii) provide for a method for regular monitoring and evaluation of interlibrary loan service, including the collection and publication of ILL statistics.
  - B) The system agency shall work with member libraries to improve local interlibrary loan service.
  - C) The system agency shall accept requests for ILL as specified in the ILL codes and system procedures.
  - D) The system agency staff shall initiate processing of ILL requests within one working day ~~after~~ receipt.
  - E) The system agency staff shall verify, locate, request, refer or cancel ILL requests received at system headquarters within three system working days.
  - F) The system agency shall ensure that sources are immediately available to verify at least 85 percent of the ILL requests received from member libraries.
  - G) The system agency shall distribute interlibrary loan public relations materials to member libraries.
- 2) Interlibrary Loan - Staff and Resources
- A) The system agency shall provide identified staff assigned to the ILL service for a minimum of 40 hours per week.
  - B) The system agency shall offer ILL training programs for staff of member libraries at least semiannually.
  - C) The system agency shall hold an annual interlibrary loan performance assessment for ILL staff from the system and member libraries to identify and discuss areas needing improvement.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- D) The system agency shall have a telefacsimile machine (or a later state-of-the-art equivalent) with an automatic answering device available for ILL purposes 24 hours per day.
  - E) The system agency staff shall have direct access to local, regional, national and international bibliographic databases.
- 3) Interlibrary Loan - Membership Responsibilities
- A) Member libraries should offer and promote interlibrary loan service to their primary clientele.
  - B) Member libraries are responsible for training staff to handle ILL transactions and statistics-gathering and statistics gathered in accordance with system policies and procedures.
  - C) Member libraries should send staff to system ILL training sessions and participate in the annual assessment of ILL services.
  - D) Member libraries should attempt to verify requests from bibliographic resources, and should verify at least 75 percent of the requests.
  - E) The member libraries should submit interlibrary loan requests directly to other libraries whenever possible.
- k) Reciprocal Access
- 1) Reciprocal Access - Administration and Service
    - A) The system agency shall adopt a reciprocal access plan. The reciprocal access operational plan, as a minimum, shall include:
      - i) how member libraries in the system shall provide reciprocal access;
      - ii) who is eligible for reciprocal access;
      - iii) limitations individual member libraries may establish for

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

reciprocal access;

- iv) the scope of reciprocal borrowing within the system, including how public libraries shall participate in the program and other libraries can participate in the program;
  - v) the definition of a library card valid for purposes of reciprocal borrowing. As a minimum the card should include name, address, expiration date and name and address of issuing library;
  - vi) the charge for a minimum nonresident fee in order for nonresidents to be eligible for reciprocal borrowing.
- B) The system agency shall be responsible for coordinating aspects of the reciprocal borrowing program.
- C) The system agency shall adopt protocols to govern problems arising from reciprocal borrowing.
- D) The system agency shall conduct an assessment of reciprocal access within the system every two years to determine the extent of reciprocal access and its impact on system-wide library service.
- 2) Reciprocal Access - Staff and Resources  
A) The system agency shall designate a reciprocal access coordinator to monitor and guide the reciprocal access program.
- 3) Reciprocal Access - Member Library Responsibilities
- A) Member public libraries should provide reciprocal borrowing to persons holding a valid library card from a public library in Illinois.
  - B) Libraries issuing a valid library card are responsible for materials lost by patrons when using reciprocal borrowing.
  - C) Member public libraries should circulate materials to eligible reciprocal borrowers under the same conditions that they circulate

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

those materials to their own patrons.

- D) All member libraries should provide for reciprocal access to other member libraries.
- l) Reference Service
    - 1) Reference - Administration and Service
      - A) The system agency shall have an operational plan for reference services. The reference operational plan, as a minimum, shall:
        - i) define responsibilities of the local library, along with procedures for submitting reference requests to system headquarters;
        - ii) describe complaint procedure;
        - iii) describe system agency responsibilities and identify individuals responsible for providing reference service;
        - iv) provide for a method of regular monitoring and evaluation of reference service at all levels within the system;
        - v) provide for the collection and publication of appropriate statistics.
      - B) The system agency shall have written policies and procedures for filling the reference queries of its member libraries.
      - C) The system agency shall assist member libraries in meeting their responsibilities under the reference plan through consultant services and a continuing education program.
      - D) The system agency shall ~~either~~ fill, respond to, return or refer 90 percent of information or subject requests within two working days, and all requests within five working days.
      - E) Library systems shall provide for reference service to their member

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

libraries for the full range of hours that member library reference service is available.

- 2) Reference - Staff and Resources
  - A) The system agency shall designate a reference coordinator for the drafting and the implementation of the reference plan.
  - B) The system agency shall provide enough staff performing system reference work.
  - C) The person coordinating reference work shall meet the following minimum qualifications:
    - i) a fifth-year degree from an American Library Association-accredited library education program;
    - ii) two years of full-time professional experience working in libraries;
    - iii) at least one year of experience in reference work, with demonstrated competence in the provision of reference service. Other staff members providing high-level reference service should also meet these qualifications.
  - D) The system agency shall have access to or maintain reference resources that will enable the reference staff to answer at least 80 percent of the requests received.
  - E) The system agency shall provide members with lists of reference materials and sources of information, incorporating procedures for cooperative collection development when applicable.
- 3) Reference - Membership Responsibilities
  - A) Member libraries should meet minimum levels of reference service as defined in the system reference plan.
  - B) Member libraries should promote system-wide reference services

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

by referring or offering to refer all unfilled requests to other libraries within the system.

- C) Each member library should ensure that the staff members working on reference requests are skilled in basic reference sources and interviewing techniques. Such staff should have a clear understanding of the system reference plan.

m) Development ~~of~~ Additional System Services

- 1) The system agency shall develop service programs that are necessary to meet the objectives of the Illinois Library Systems Act (~~Ill. Rev. Stat. 1991, ch. 81, pars. 111 et seq.~~) and members' needs.
- 2) Services provided by the system agency shall address the needs of member libraries.
- 3) The services shall include both qualitative and quantitative measures and written descriptions of standards for them shall include the same sections as the core services: ~~—~~Definition, Administration and Service, Staff and Resources, and Membership Responsibilities.
- 4) The system agency shall gather input from member libraries when developing service programs and the accompanying qualitative and quantitative measures.
- 5) The system agency shall develop service programs that further the system's Plan of Service.
- 6) The system agency shall have a process to evaluate the system's services.
- 7) The system agency shall identify service programs provided by other system agencies that are the same or similar throughout the ~~State~~ and jointly develop these programs so as to avoid duplication and ensure a standard level of service.
- 8) The system agency shall initiate a service when financial resources are available to provide a quality service.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

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

**Section 3030.65 Plan of Service for a Cooperative or Multitype Library System**

Each system shall adopt a plan of service ~~that~~<sup>which</sup> covers the services provided by the system headquarters, contracting libraries (if such are designated), and the cooperative services of member libraries. The plans shall be reviewed, and revised if necessary, by the system board on an annual basis. The State Librarian shall review the system plans every year, as part of the application for system funds cited in 23 Ill. Adm. Code 3035.100~~Section 3030.105 of this Part~~, and shall approve them if they insure that the systems will achieve or make substantial progress toward achieving the standards and objectives of Section 3 of the Act and will achieve the service standards of Section 3030.50 of this Part and are not in conflict with ~~State~~<sup>state</sup> law and rules and regulations of the State Librarian. If the plan is in violation, the State Librarian shall take action in accordance with Section 3030.110 (Revocation of Approval) as provided in ~~this Part~~<sup>these regulations</sup>. This plan will consist of:

- a) A Long Range Program for the maintenance and development of system headquarter's services and programs for member libraries, including those in ~~State~~<sup>state</sup> institutions. The Long Range Program shall include goals and measurable objectives and a process for evaluating if the objectives have been met. ~~The~~<sup>Such</sup> plan shall show evidence of being developed with input from the ~~board~~<sup>Board</sup> and membership.
- b) A plan for the fiscal year, including specific plans for services ~~that~~<sup>which</sup> address the system standards cited in Section 3030.50 of this Part. ~~The~~<sup>Such</sup> plan shall show evidence of being developed with input from the ~~board~~<sup>Board</sup> and membership. The plan shall include a list of all available services for which a fee is proposed, and shall include an explanation and justification for ~~the said~~<sup>the</sup> fee. No new fees or fee charges shall be implemented until after the operational plan is approved by the State Librarian.
- c) An up-to-date listing, with membership categories of all system members, including name of library, address, telephone numbers, and other information that may be requested by the State Librarian.
- d) A cover sheet, on a form provided by the State Librarian, certifying that the plan of service is up-to-date with signatures of the Board President and System Director.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- e) Operational plans for system standards according to the implementation plan established by the State Librarian in Section 3030.50 of this Part.
- f) Other information that may be requested by the State Librarian on an annual basis.

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

**Section 3030.90 Finances and Records**

- a) The fiscal year for each system shall begin July 1 and end on June 30 of each year.
- b) The board of directors of each library system shall:
  - 1) Maintain all financial records at the system administrative headquarters.
  - 2) Cause an annual audit of the records of the system for the preceding fiscal year and those maintained by the Treasurer to be made by an independent certified public accountant and cause copies **of the audit thereof** to be filed with each participating library and with the State Librarian on or before September 30 following the end of the fiscal year. Audits shall be conducted in accordance with "Government Auditing Standards, 2003 Revisions", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. The material incorporated by reference includes no later amendments or editions.
  - 3) Submit a management letter prepared by the system's auditor as part of the annual audit.
  - 4) Account for all funds of the system by expenditure, encumbrance, or reserves on or before June 30~~th~~ of each year.
  - 5) Submit, prior to July 1 of each year, an estimated budget for the ensuing fiscal year according to the requirements cited in 23 Ill. Adm. Code 3035.105~~Section 3030.105(a)(2) of this Part.~~
  - 6) Maintain an inventory of all library materials and equipment purchased

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

with system funds. ~~The~~Such inventory shall be attested ~~to~~ by the system auditor.

- 7) Maintain financial records and submit reports in compliance with the Uniform Accounting and Reporting Manual for the Illinois Library System Headquarters (~~available from the second edition, April 1996,~~ Office of the Secretary of State, Illinois State Library, Room 505, 300 S. Second Street, Springfield IL 62701-1796) or at the direction of the State Librarian. ~~The material incorporated by reference includes no later amendments or editions.~~

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

**Section 3030.105 State Grants (Repealed)**

- a) ~~Application for Annual Per Capita and Area Grants to the library systems shall be made to the State Librarian prior to July 1 of each year and shall consist of the following:~~
  - 1) ~~An annually updated plan of service. The plan of service shall clearly indicate how the proposed expenditure of state funds in the ensuing fiscal year will be utilized for the provision of member services within the goals for Illinois Library systems.~~
  - 2) ~~The estimated system budget for the ensuing fiscal year based on current year funding with a contingency plan for anticipated funding for the ensuing year.~~
- b) ~~Library technology grants~~
  - 1) ~~Application for library system grants for the provision of services to member libraries and for technology developments (Section 8(c) of the Act) shall be made according to criteria established by the State Librarian. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose.~~
  - 2) ~~Applications shall be reviewed by the State Library staff and the decision of the State Librarian is final.~~

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 3) ~~The number of grants to be awarded is at the discretion of the State Librarian within the confines of available funding.~~
- 4) ~~Applicants must meet requirements established by the State Library for telecommunications and network services to member libraries.~~
- e) ~~Application for Annual Grants for special library services to the blind and physically handicapped shall be made to the State Librarian prior to July 1 of each year and shall consist of a budget and a description of services to be offered. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accordance with the application or approved amendment shall result in ineligibility for future grants for a period of one year.~~
- d) ~~To be eligible for a per capita grant, a public library shall show that it will *either meet or show progress toward meeting the Illinois Library Standards, as most recently adopted by the Illinois Library Association*, by raising or improving its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities which the library shall state in its application for a grant, and which it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (Section 8.1(1) of the Act)~~
- e) ~~Application for *annual equalization grants and per capita grants to public libraries* shall be made each year. (Section 8 of the Illinois Library Act) The State Library shall verify the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts thereof, prepared and submitted to the Index Division by the federal government and certified by the Secretary of State no later than July 15 of the fiscal year of the grant. The applicant library shall submit supporting documentation with the grant application whenever there are any changes to be reported in the population service area.~~
- f) ~~For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (d) above. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accord with Section 8.1 of the Act shall result in ineligibility for~~

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

~~future grants for a period of one year.~~

- ~~g) Libraries that qualify for the ILLINOIS MAJOR URBAN LIBRARY PROGRAM shall submit an application to the State Librarian, subject to his final approval, for use of the funds. The application shall consist of the public library per capita grant application cited in Section 3030.105(e) of this Part.~~
- ~~h) Research and reference center funding shall be allocated by the State Librarian for the purposes of making available adequate library resources and services. Grants shall be awarded for statewide resource sharing projects and for improving services of large libraries with special collections which benefit citizens throughout the state. Grants will be awarded at the discretion of the State Librarian each fiscal year as funding allows.~~
- ~~i) The Research and Reference contracts will specify by inclusion:
  - ~~1) The terms for apportionment of the grant funding, and~~
  - ~~2) Services to be performed.~~~~
- ~~j) To qualify for an Annual Grant to the Illinois Regional Library for the Blind and Physically Handicapped, the applicant agent shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. An annual contract with the State Library shall be executed which specifies the objectives and budget for the service.~~
- ~~k) School District Library Grant Program
  - ~~1) To be eligible for a School Library Grant, the applicant must be an Illinois public school district and a member in good standing of a regional multitype library system; or have made application for system membership 90 days prior to the grant application deadline and be approved for membership prior to the following January 15.~~
  - ~~2) Application for School Library Grants shall be made each year. Applications shall be reviewed by the State Library staff and are subject to final approval by the State Librarian.~~~~

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 3) ~~The applicant shall show that grant funds will be used to support the services of the district's school library media program. The grant may not be used for the construction of a new library. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accordance with Section 8.4 of the Act shall result in ineligibility for future grants for a period of one year.~~
- 4) ~~Library Grants for Veterans' Homes~~
  - 1) ~~Pursuant to Section 8.6 of the Illinois Library System Act [75 ILCS 10/8.6], there is established by this subsection (1) the application procedures for Veterans' Home library grants.~~
  - 2) ~~The application for annual grants to State funded Veterans' Homes shall be made according to a deadline established by the State Librarian. The application shall be signed by the administrator and librarian or person responsible for library services at the Veterans' Home.~~
  - 3) ~~The applications will be evaluated by Illinois State Library staff, and final funding decisions will be made by the State Librarian.~~
  - 4) ~~Applications will be funded according to amount of funding available; demonstrated need; and number of residents being served. Criteria will also include whether the plan of operation contains information about the project goals and objectives, the methods used to achieve these goals and objectives, and the involvement of staff in providing library service.~~
  - 5) ~~In order for an application to be considered, the Veterans' Home must be providing library services to its residents at the time of application.~~
  - 6) ~~Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds as approved shall result in ineligibility for future grants for a period of one year.~~
  - 7) ~~The application shall consist of:~~
    - A) ~~A statement on the proposed use of the grant for which application~~

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

~~is being made which shall show how grant funds will be used to expand library services to residents of the Veterans' Home. Grant funds are eligible to be used for library staff, materials, equipment, and library services.~~

- ~~B) A report on the use of the previous year's grant, if a grant was received, which shall show how the grant was used; and an evaluation detailing the impact of the program.~~
- ~~C) A certification stating that:~~
- ~~i) the grant funds will be kept in a separate account;~~
  - ~~ii) local funding for library service will not diminish as a result of the program;~~
  - ~~iii) the library will submit semi-annual financial and programmatic reports to the Illinois State Library on January 31 and July 31 of each year covering the use of the funds.~~

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

**Section 3030.106 Educate & Automate Automation/Technology Grants (Repealed)**

- ~~a) Competitive grants~~
- ~~1) Application for purchases of equipment and services that support library development and technological advancement (Section 8.5 of the Act) in libraries shall be made according to an annual deadline and criteria established by the State Librarian. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on time or on the required forms shall not be considered by the State Library.~~
  - ~~2) Applications shall be reviewed by the State Library staff and the decision of the State Librarian is final. Criteria will include whether the project plan contains information about the project goals and objectives, the methods used to achieve these goals and objectives, the number of people~~

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- ~~to be served, and whether the proposed budget is reasonable in view of the proposed goals.~~
- ~~3) The number of grants to be awarded is at the discretion of the State Librarian.~~
  - ~~4) Applicants must meet requirements designated by the State Library for public access to electronic information and technology.~~
- b) ~~Direct expenditures by the State Librarian may be made to support library development and technological advancement in libraries (Section 8.5 of the Act).~~
- c) ~~Funding awarded under subsections (a) and (b) of this Section may be used for any or all of the following purposes:~~
- ~~1) Telecommunications costs for electronic networks for ILLINET libraries and library systems;~~
  - ~~2) Computer hardware and software for ILLINET libraries and library systems;~~
  - ~~3) Access to electronic information by the general public through ILLINET libraries;~~
  - ~~4) Converting special collections and rare materials in ILLINET libraries into digital format, making them accessible by computer to students, researchers and the general public.~~

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois State Library Grant Programs
- 2) Code Citation: 23 Ill. Adm. Code 3035
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3035.10	New
3035.100	New
3035.105	New
3035.110	New
3035.115	New
3035.120	New
3035.125	New
3035.130	New
3035.135	New
3035.140	New
3035.200	New
3035.210	New
3035.220	New
3035.230	New
3035.240	New
3035.250	New
3035.260	New
3035.270	New
3035.280	New
3035.300	New
3035.310	New
3035.320	New
3035.330	New
3035.340	New
3035.350	New
3035.360	New
3035.370	New
3035.EXHIBIT A	New
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10, the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322], Sections 2 and 7(q) of the State Library Act [15 ILCS 320/2 and 7(q)] and the Library Services and Technology Act (20 USC 9121 et seq.)

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- 5) A Complete Description of the Subjects and Issues Involved: The Sections regarding Illinois State Library grant programs currently existing in The Illinois Library System Act (23 Ill. Adm. Code 3030) are being placed in this new Part as Subpart A: State Grants. The programs covered by this rulemaking involve regional library systems grants; library technology grants; special library services to the blind and physically handicapped; public library per capita and equalization grants; school district library grants; Educate & Automate automation/technology grants; and library grants for veterans' homes. Section 3035.135 requires that applicants submit proposals on time and on forms prescribed by the Illinois State Library, which retains the right to deny a grant application if program requirements are not met. The existing Part, The Literacy Grant Program (23 Ill. Adm. Code 3040), is incorporated in this Part as Subpart B, and the existing rules in The Illinois State Library Training Program Grants is incorporated as Subpart C. The Public Library Construction Grants (23 Ill. Adm. 3060) will be incorporated as Subpart D in early 2008.
- 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 any automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The objective is to consolidate all rules regarding grants issued by the Illinois State Library into a single Part. The staff of the Joint Committee on Administrative Rules suggested that grant rules located in various rules be incorporated in a single Part in order to facilitate ease of use for the State's library community, and at its meeting on March 27, 2007, the Illinois State Advisory Committee endorsed JCAR's recommendation
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

Springfield, IL 62701-1796

217/558-4185; jnatale@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profits corporations affected: These rules affect public libraries, school libraries, regional library systems, special libraries that serve the blind and physically handicapped and veterans' homes.
  - B) Reporting, bookkeeping or other procedures required for compliance: Grantees are required so submit financial and narrative reports to the Illinois State Library as required in each grant program.
  - C) Types of professional skills necessary for compliance: Grantees are to possess administration skills to apply for and execute a grant from issued from the Illinois State Library.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATEPART 3035  
ILLINOIS STATE LIBRARY GRANT PROGRAMS

## SUBPART A: STATE GRANTS

Section	
3035.10	Definitions
3035.100	System Area and Per Capita Grants
3035.105	Library Technology Grants
3035.110	Special Library Services to the Blind and Physically Handicapped
3035.115	Public Library Per Capita and Equalization Grants
3035.120	School District Library Grant Program
3035.125	Library Grants for Veterans' Homes
3035.130	Educate & Automate Automation/Technology Grants
3035.135	Requirements, Denial and Revocation of Approval
3035.140	Grant and Expenditures

## SUBPART B: LITERACY GRANT PROGRAM

Section	
3035.200	Purpose
3035.210	Definitions
3035.220	Application for Grant
3035.230	Review of Grant Applications
3035.240	Award of Grants, Accountability and Recordkeeping
3035.250	Cancellation of Grant
3035.260	Fiscal Procedures
3035.270	Other Requirements
3035.280	Penny Severns' Grant Program
3935.290	Invalidity

## SUBPART C: TRAINING PROGRAM GRANTS

Section	
3035.300	Purpose
3035.310	Definitions

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- 3035.320 Number and Amount of Training Program Grants
- 3035.330 Illinois Library Schools and Attendance Requirements
- 3035.340 Eligibility Requirements
- 3035.350 Application Process
- 3035.360 Selection of Training Program Grantees
- 3035.370 Conditions of Training Program Grants

3040.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

**AUTHORITY:** Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], and the federal Library Services and Technology Act (20 USC 9121).

**SOURCE:** Adopted at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: STATE GRANTS

**Section 3035.10 Definitions**

For the purpose of this Subpart, the definitions in 23 Ill. Adm. Code 3060.10 are applicable.

**Section 3035.100 System Area and Per Capita Grants**

Application for Annual Per Capita and Area Grants to the library systems shall be made to the State Librarian prior to July 1 of each year and shall consist of the following:

- a) An annually updated plan of service. The plan of service shall clearly indicate how the proposed expenditure of State funds in the ensuing fiscal year will be utilized for the provision of member services within the goals for Illinois Library systems.
- b) The estimated system budget for the ensuing fiscal year based on current year funding with a contingency plan for anticipated funding for the ensuing year.

**Section 3035.105 Library Technology Grants**

- a) Application for library system grants for the provision of services to member libraries and for technology developments (see Section 8(c) of the Illinois Library System Act (Act)) shall be made according to criteria established by the State Librarian.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- b) The number of grants to be awarded is at the discretion of the State Librarian, within the confines of available funding.
- c) Applicants must meet requirements established by the State Library for telecommunications and network services to member libraries.

**Section 3035.110 Special Library Services to the Blind and Physically Handicapped**

- a) Application for Annual Grants for special library services to the blind and physically handicapped shall be made to the State Librarian prior to July 1 of each year and shall consist of a budget and a description of services to be offered.
- b) To qualify for an Annual Grant to the Illinois State Library for the Blind and Physically Handicapped, the applicant agent shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. An annual contract with the State Library shall be executed that specifies the objectives and budget for the service.

**Section 3035.115 Public Library Per Capita and Equalization Grants**

- a) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting the Illinois Library Standards, "Serving Our Public: Standards for Illinois Public Libraries, 1997" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. A grant applicant must raise or improve its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities the library shall state in its application for a grant, and that it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (See Section 8.1(1) of the Act.) The applying library must be in good standing and meet the criteria of a "full member library" or a "developmental member library" as defined in 23 Ill. Adm. Code 3030.10.
- b) *Application for annual equalization grants and per capita grants to public libraries shall be made each year.* (Section 8 of the Act) Whenever an applicant library reports any changes in the population count for the eligible service area population, then the applicant library shall submit with the grant application the appropriate supporting legal documentation for the population count change. The

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

Illinois State Library shall validate the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts of a municipality, as prepared and submitted to the Secretary of State's Index Department by the federal government and certified by the Secretary of State in accord with the application deadline date established by the Illinois State Library.

- c) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (a).
- d) The grant may not be used for the construction of a new library or for capital improvements to the existing library.

**Section 3035.120 School District Library Grant Program**

- a) To be eligible for a School Library Grant, the applicant must be an Illinois public school district and a member in good standing of a regional multitype library system, or have made application for system membership 90 day prior to the grant application deadline and be approved for membership prior to the following January 15.
- b) To qualify for a grant under this Part, a school library must meet the criteria in Section 8.4 of the Act.
- c) Application for School Library Grants shall be made each year.
- d) The applicant shall show that grant funds will be used to support the services of the district's school library media program. The grant may not be used for the construction of a new library or for capital improvements to the existing library.

**Section 3035.125 Library Grants for Veterans' Homes**

- a) Pursuant to Section 8.6 of the Act, this Section establishes the application procedures for veterans' home library grants.
- b) The application for annual grants to State-funded veterans' homes shall be made according to a deadline established by the State Librarian. The administrator and librarian or person responsible for library services at the veterans' home shall sign the application.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- c) Illinois State Library staff will evaluate the applications, and the State Librarian will make final funding decisions.
- d) Applications will be funded according to amount of funding available, demonstrated need and number of residents being served. Criteria will also include whether the plan of operation contains information about the project goals and objectives, the methods used to achieve these goals and objectives, and the involvement of staff in providing library service.
- e) In order for an application to be considered, the veterans' home must be providing library services to its residents at the time of application.
- f) The application shall consist of:
  - 1) A statement on the proposed use of the grant for which application is being made that shall show how grant funds will be used to expand library services to residents of the veterans' home. Grant funds are eligible to be used for library staff, materials, equipment and library services.
  - 2) A report on the use of the previous year's grant, if a grant was received, that shall show how the grant was used, and an evaluation detailing the impact of the program.
  - 3) A certification stating that:
    - A) the grant funds will be kept in a separate account;
    - B) local funding for library service will not diminish as a result of the program;
    - C) the library will submit semiannual financial and programmatic reports to the Illinois State Library, on January 31 and July 31 of each year, covering the use of the funds.
  - 4) Other requirements established by the Illinois State Library.

**Section 3035.130 Educate & Automate Automation/Technology Grants**

- a) Competitive grants

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- 1) Application for purchases of equipment and services that support library development and technological advancement (Section 8.5 of the Act) in libraries shall be made according to an annual deadline established by the State Librarian. Applicants shall use the forms prepared and made available by the State Librarian for this purpose.
  - 2) Criteria will include whether the project plan contains information about the project goals and objectives, the methods used to achieve these goals and objectives, the number of people to be served, and whether the proposed budget is reasonable in view of the proposed goals.
  - 3) The number of grants to be awarded is at the discretion of the State Librarian.
  - 4) Applicants must meet requirements designated by the State Library for public access to electronic information and technology.
- b) Direct expenditures by the State Librarian may be made to support library development and technological advancement in libraries (Section 8.5 of the Act).
- c) Funding awarded under subsections (a) and (b) of this Section may be used for any or all of the following purposes:
- 1) Telecommunications costs for electronic networks for ILLINET libraries and library systems;
  - 2) Computer hardware and software for ILLINET libraries and library systems;
  - 3) Access to electronic information by the general public through ILLINET libraries;
  - 4) Converting special collections and rare materials in ILLINET libraries into digital format, making them accessible by computer to students, researchers and the general public.
- d) The following reports and records will be completed and transmitted to the Illinois State Library:

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- 1) Quarterly financial reports showing expenditures made from grant funds by line item.
  - 2) Quarterly narrative reports stating the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and percentage of completion of the project to date.
  - 3) Final financial report, and final narrative report evaluating the degree to which the grantee achieved the goals and objectives of the project.
- e) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

**Section 3035.135 Requirements, Denial and Revocation of Approval**

- a) Grant applicants must demonstrate in their grant applications that they have satisfactorily met all requirements of this Part.
- b) The Illinois State Library may deny a grant application if the requirements in this Part are not met, or are inadequately met.
- c) Grant applicants shall use the forms prepared and made available by the State Librarian for this purpose.
- d) Grant applications not submitted on the required forms by the deadline date, or not completed, shall not be considered for funding by the Illinois State Library.
- e) Any grant application not considered for funding by the Illinois State Library shall be copied and returned to the submitting organization, accompanied by a letter explaining the reason for denial.
- f) The Illinois State Library shall provide for hearings to reconsider decisions made in the administration of this Part, as provided for in 23 Ill. Adm. Code 3030.121.

**Section 3035.140 Grants and Expenditures**

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- a) The Illinois State Library staff shall review grant applications and the decision of the State Librarian is final.
- b) The Illinois State Library will notify the grant applicant when the application is approved for contractual purposes.
- c) Any change in the use of funds from that stated in the approved grant application shall have prior approval of the State Librarian.
- d) Failure to spend funds in accordance with the application or approved amendment shall result in ineligibility for future grants for a period of one year.

## SUBPART B: LITERACY GRANT PROGRAM

**Section 3035.200 Purpose**

- a) The Adult Literacy Grant Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act [15 ILCS 320/7.2] to develop, expand or support adult, family and workplace literacy programs in Illinois through local community programs administered by education agencies, libraries, public and private employers, volunteer or community-based organizations, or a coalition of any of these entities.
- b) The purposes of the 3 types of literacy programs are:
  - 1) Adult literacy program will provide instruction in literacy to persons 16 years or older who read or compute below a 9<sup>th</sup> grade level.
  - 2) Workplace literacy program will provide services at their place of business to assess the educational skill levels of, and to provide direct instructional services for, adults employed or available to be employed by an Illinois employer who read, write, comprehend or compute below a 9.0 grade level in English.
  - 3) Family literacy program will provide direct instructional services to parents and children, and reciprocal parent-child learning activities for another family literacy program offered to adult caregivers and their children. Family literacy services may include services to the clients of residential domestic violence shelters.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- c) The features of each of the three types of literacy programs are delineated in Exhibit A of this Part.

**Section 3035.210 Definitions**

"Adult" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (16) and is not currently enrolled in school (see 105 ILCS 5/Art. 26).

"Applicant" means the eligible education agency or public or private employer.

"Application" means the written request for a literacy grant submitted to the LAB pursuant to this Subpart. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

"Coalition" means a structured cooperative effort among a library system, libraries, education agencies, and community-based organizations, or any combination of these entities, at the local or regional level.

"Community" means any county or municipality in Illinois.

"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, which provides services to citizens within that community and the surrounding area.

"Educational Agencies" means those entities eligible to apply are public libraries that are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board and have provided instructional literacy services for at least 3 years; community based organizations, volunteer agencies or a coalition of those entities that have been granted 501(c)(3) status by the Internal Revenue Service and have provided literacy instructional services for at least 3 years; and public and private employers that have provided instructional literacy services for at least three years or are in cooperation with an educational agency that has provided instructional literacy services.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

"Educational Skills Assessment" means testing methods that measure the educational skills possessed by adults, including reading, writing, comprehension and computation skills in English.

"Family Literacy" means reading, writing and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and structured reciprocal time for both to learn together.

"Fiscal Year" means the fiscal year of the State of Illinois.

"Instructional Materials" means written materials and computer software programs that are used in teaching adults basic reading, writing, comprehension, computation or English language skills.

"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320/7.2].

"Library" means the main facility for a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, compute and comprehend above the 8.9 grade level as measured by an educational skills assessment.

"Literacy Program" means a structured project or program that provides direct instructional services in literacy to adult students.

"Math Student" means an adult whose math skills are below the 9.0 grade level and who is enrolled in the literacy program for math instruction.

"Participating Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State, who is the State Librarian.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].

"Workplace Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult employees or prospective employees at their place of employment.

**Section 3035.220 Application for Grant**

- a) ISL may make grant application forms available prior to the availability of funds.
- b) Applications shall be submitted to the Literacy Office, Illinois State Library, Gwendolyn Brooks Building, 300 S. Second, Springfield, Illinois 62701.
- c) Applications shall be reviewed by the LAB. Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- d) The maximum grant amount shall be determined by the State Librarian based on the amount of money appropriated by the General Assembly and the likely number of grant applications.
- e) The grant period shall be within the fiscal year.
- f) Applications shall include the following information:
  - 1) The name of the literacy program for the community.
  - 2) The name and address of the grant applicant.
  - 3) The name and telephone number of the grant project applicant's director or executive officer.
  - 4) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the grant applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.
  - 5) The name, address and contact person for each business whose employees will participate in literacy services.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- 6) The name, address and contact person for domestic violence shelter facilities whose clients will participate in literacy services.
- 7) The name, address and contact person for the local public library.
- 8) The term of the literacy program.
- 9) The total amount of grant money requested for the literacy program.
- 10) A brief and explicit description of the literacy program purpose and goals.
- 11) A statement supported by statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence (statements from local officials, State legislature requests, or community college reports) detailing the need for the literacy program in the particular community or geographic region of the grant applicant.
- 12) A statement of the instructional, promotional and training methods to be used by the grant applicant to meet its stated goals and objectives.
- 13) A statement of the grant applicant's plans to coordinate its effort with other community groups providing similar or related services, and to cooperate with other community groups, including education groups, volunteer organizations, governmental bodies, private business and library organizations, and a listing of participating agencies.
- 14) A statement detailing plans to evaluate project objectives and program accomplishments by the grant applicant, including statistical data and how it is gathered and by whom and when.
- 15) A list of all organizations that are participating agencies in the literacy program project proposed by the grant applicant, including signatures of organization representatives.
- 16) The budget for the literacy project, setting forth the personnel costs, fringe benefits (e.g., retirement benefits and health insurance), travel costs, equipment purchases, supplies, contractual services, instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- 17) A statement as to the time schedule for the completion of project objectives of the literacy program within the grant year.
- 18) For organizations that are not units of government, a statement of cash flow in accordance with Statement No. 95, FASB Statements of Financial Accounting Standards, Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut 06856, November 1987, no subsequent dates or editions included.
- 19) If the applicant is a charitable organization, the proper certification of federal and State tax exempt status.

**Section 3035.230 Review of Grant Applications**

- a) The LAB shall review all grant applications for projects that are designed to deliver direct instructional service in literacy to adult students.
- b) The LAB will use the following selection criteria:
  - 1) Whether the need for literacy services for the target population is demonstrated and how proposed literacy services address the need.
  - 2) Whether the grant applicant has identified similar programs provided locally by other organizations and has described cooperation and coordination with such programs.
  - 3) Whether the plan of operation contains a specific statement of project goals and outcomes, the methods used to achieve these goals and outcomes, the number of students to be served, and the number of administrative and instructional personnel necessary to serve the targeted student population.
  - 4) Whether the proposed budget is reasonable in view of the proposed goals of the project, and the budget is adequate to support the project.
  - 5) Whether the proposed project contains evaluation methods and procedures that will produce quantifiable data regarding the results of the educational assessment, including pre- and post-testing of students to evaluate student

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

progress, recordkeeping procedures for both students' instructional hours and volunteer tutors' hours of participation.

- 6) Whether the persons managing the project have experience, training or education to provide adult literacy programming, including at least a bachelor's degree, and the administrative capacity to support the project.
  - 7) A report on the use of the previous year's grant, if a grant was received, detailing information on students served, progress of program towards its stated goals and an evaluation detailing the student outcomes achieved, the programmatic outcomes and the impact of the program.
- c) The criteria listed in subsection (b) of this Section will be evaluated by the LAB, using its best professional judgment.
- d) The LAB shall not select any grant application nor award any public funds to any grant applicant that:
- 1) Does not certify or state that it will comply with the Illinois Human Rights Act [775 ILCS 5].
  - 2) Uses as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud, and misrepresentation under laws of the United States, Illinois, or any other state, or have been convicted of bribery in violation of Section 50-5 of the Illinois Procurement Code [30 ILCS 500/50-5].
  - 3) Has employees of the Office of the Secretary of State as its managers.
  - 4) Has been disqualified and had its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved by LAB, failure to complete reporting requirements satisfactorily, misappropriation of funds, or any violation of this Part as determined by the Secretary.
- e) The LAB shall not award more than one grant under this Subpart to any one applicant in the same fiscal year.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- f) Grant applications are subject to the conditions stipulated in Section 3035.135 of this Part.

**Section 3035.240 Award of Grants, Accountability and Recordkeeping**

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved, based upon the criteria in Section 3035.230.
- b) Grant awards will be made upon appropriation of funds.
- c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary.
- d) The final approved grant applications and the funding determination shall constitute the Adult Literacy Grant Program, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclosure pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- e) Approved grant applicants shall submit to the State Library, Office of the Secretary of State, such reports as deemed necessary by the Illinois State Library staff to assure project accountability. Reports to be submitted include:
- 1) Mid-term reports stating the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and percentage of completion of the project to date.
  - 2) Quarterly financial reports showing expenditures made from grant funds by line item.
  - 3) Mid-term statistical reports.
  - 4) Final financial report, and final statistical and narrative report evaluating the degree to which the grantee achieved the goals and objectives of the project.
- f) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5/Art. III].

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

**Section 3035.250 Cancellation of Grant**

- a) A grant shall be cancelled if:
  - 1) Required reports and data are not submitted as required by Section 3035.240(e). Grant programs shall receive one 30 day notice requesting compliance with this Section before the grant is cancelled.
  - 2) An interim financial report shows financial irregularities, such as misappropriation or embezzlement of funds by the grant program operator and/or its employees and staff.
  - 3) The grant program fails to adhere to the grant plan as approved by LAB.
  - 4) The grant program managers are convicted of any felony or misdemeanor.
  - 5) The grant program fails to operate properly and effectively.
  - 6) A monitor's evaluation shows program irregularities or non-compliance with this Part.
- b) Upon cancellation, the Secretary shall send a notice by certified mail, return receipt requested, to the grant program, which shall return all unexpended public funds to the Secretary within 30 days after the date of the cancellation notice.
- c) Grants made under this Subpart are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Fund Recovery Act controls.

**Section 3035.260 Fiscal Procedures**

- a) The literacy grant recipient may be asked by the State Library to present copies of past audits or require that an audit of grant funds be performed on individual programs.
- b) Audits may be requested for such reasons as poor recordkeeping, fiscal irregularities, or staff's request after viewing narrative reports or after viewing files at the program site.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

**Section 3035.270 Other Requirements**

- a) Testing
- 1) Plans for pre- and post-testing of students must be attached to the proposal application. The Slosson Oral Reading Test-Revised (SORT-R), which can be ordered from Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280, or the Test of Adult Basic Education (TABE), which can be ordered from CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940, telephone: 800/538-9547, must be used in student testing for semiannual reports submitted to the State Library. Programs are encouraged to use additional tests for their own purposes.
  - 2) In the case of English as a Second Language (ESL) projects, professionally accepted tests must be used, such as the ESLOA Oral Assessment, which can be ordered from Literacy Volunteers of America, Inc. 5795 Widewater Parkway, Syracuse NY 13214; the Comprehensive English Language Skills Assessment (CELSA), which can be ordered from Association of Classroom Teacher Testers, 1136 Clement Street, San Francisco CA 94118; the Basic English Skills Test (BEST), which can be ordered from Center for Applied Linguistics, 1118 22nd Street, NW, Washington DC 20037; the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as ILR), which can be ordered from ETS, Princeton NJ 08541. All tests used must be described in the proposal. Results must accompany semi-annual and final reports.
  - 3) In the case of students who enroll for math assistance only, the TABE math test, which can be ordered from CTB/McGraw Hill, 20 Ryan Ranch Road, Monterey CA 93940, must be used in testing for semi-annual reports submitted to the State Library, Office of the Secretary of State.
- b) No grant funds shall be used to purchase equipment.
- c) No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- d) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the State Library. Justification must be provided if consultant services are purchased, and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and State Library, based on the consultant's prior experience and expertise in literacy programs.
- e) A literacy grant monitor shall make a minimum of one site visit during each biennium. Additional site visits shall be made at the discretion of the State Library Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, requests by literacy program). Literacy monitors shall evaluate program effectiveness. It shall be the responsibility of the grant monitor to:
  - 1) Review the grant budget and expenditures in the project to date.
  - 2) Verify that the project plan is being implemented according to the proposal approved by the LAB.
  - 3) Submit a written report on the progress of the project to the Literacy Office following each site visit.

**Section 3035.280 Penny Severns' Grant Program**

- a) Competitive Grants
  - 1) Application requirements, including criteria, for the Penny Severns' Grant Program shall be made available by the State Librarian no later than March 1 for the current year. Applications shall be submitted to the Illinois State Library on or before April 30. The State Librarian shall disqualify applications that are untimely filed or those that are not submitted on the prescribed forms.
  - 2) Applications shall be reviewed by the State Librarian or designee. The decision of the State Librarian is final. Review criteria includes, but is not limited to:
    - A) How the applicant identifies and addresses the at-risk population to be served;

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- B) How the learning activities involve both parent and child in interactive learning experiences;
  - C) Number of people to be served;
  - D) Reasonableness of the budget in relation to the goals and objectives. Requested funds are sufficient but not excessive and are targeted to accomplish the specified goals and objectives;
  - E) How libraries are involved in learning activities.
- 3) The number of grants to be awarded is at the discretion of the State Librarian.
  - 4) Applicants must meet requirements designated by the State Library for collaboration with other groups interested in promoting reading and literacy.
  - 5) At-risk families are defined as parents and their children whose minimal skills in reading, writing, computation, comprehension and communication preclude them from functioning effectively in their lives.
- b) Funding awarded under subsection (a) of this Section may be used for any one or all of the following purposes:
    - 1) Development of collections of materials, including learning games, for use by parents working together with their children.
    - 2) Employment of staff to provide parent-child reading activities, computer technology activities, experiential enrichment excursions and participation in library reading programs.
    - 3) Provision of support services to assist in families' participation, which could include, but is not limited to, child care and transportation.
    - 4) Development of programs on library resources and services for at-risk families.

## SUBPART C: TRAINING PROGRAM GRANTS

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

**Section 3035.300 Purpose**

- a) The Illinois State Library Training Program Grants, which assist Illinois residents to obtain a master's degree in library and information science, are established in this Subpart.
- b) The purposes of the Library Training Program Grants are to encourage college graduates with demonstrated scholarship, talent and potential to enter the library profession, to encourage these new librarians to work in Illinois libraries, and to improve and stimulate development of library service in Illinois.
- c) The State Library shall administer the State Library Training Program Grants.

**Section 3035.310 Definitions**

"Academic Year" shall mean the instruction period from the fall term of one calendar year through the spring term of the following calendar year, unless the grantee has requested to begin studies with summer enrollment.

"Applicant" shall mean a person who applies for the Illinois State Library Training Grant and who has not begun the program for a master's degree in library and information science.

"C Average" shall mean the median grade on a letter grading system at the Illinois graduate library schools, or a 2.0 grade on a 4.0 grade scale, or a 3.0 grade on a 5.0 grade scale.

"Director" shall mean the Director of the Illinois State Library.

"Grant" shall mean a Library Training Program Grant being awarded under this Subpart.

"Illinois Library and Information Network (ILLINET) Library" shall mean a library that is a member of an Illinois library system.

"Library" shall mean an entity that serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least 15 hours per week as a

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

librarian. The collection must have permanent financial support, be accessible centrally and occupy identifiable quarters in one principal location.

"Library System" shall mean an organization of libraries established under the Illinois Library System Act [75 ILCS 10].

"MLS" shall mean a program for the master's degree in library and information science in which the applicant is enrolled and for which the training grant is awarded.

"Resident of Illinois" shall mean a person who is domiciled in Illinois for one calendar year prior to application, or a person who is a domiciliary of Illinois and registered to vote in Illinois but is attending a school of higher education outside of Illinois.

"Secretary of State" or "Secretary" shall mean the Illinois Secretary of State, who is the State Librarian.

"State Library" shall mean the Illinois State Library, as established pursuant to the State Library Act [15 ILCS 320].

"Training Program" shall mean the Illinois State Library Training Program, as established by this Part.

**Section 3035.320 Number and Amount of Training Program Grants**

- a) The State Library shall award no more than 15 Library Training Program Grants each academic year, depending on the availability of funds. The final number of grants awarded shall be determined by the amount of grant money available and the number of qualified applicants.
- b) The maximum grant to be awarded shall be \$7,500 for the master of library and information science program in which the successful applicant is enrolled. A full-time training grant shall be paid in three installments of \$2,500, at the beginning of the three graduate semesters or as required by the graduate school's tuition payment schedule. A part-time training grant will be paid in six installments of \$1,250, at the beginning of the six graduate semesters or as required by the graduate school's tuition payment schedule.

**Section 3035.330 Illinois Library Schools and Attendance Requirements**

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

The grant shall be awarded only to individuals who will attend an American Library Association accredited graduate school.

**Section 3035.340 Eligibility Requirements**

- a) Each applicant must be a resident of Illinois and a citizen of the United States or its territories.
- b) Each applicant must have received a bachelor's degree from an accredited college or university (with a transcript of all academic work submitted to the Illinois State Library).
- c) Each applicant must be accepted at a graduate library school accredited by the American Library Association.
- d) Each applicant must agree to sign an agreement with the State of Illinois, Illinois State Library, consenting to spend the equivalent of two years in full-time Illinois library service within the first three years following graduation from graduate library school. Service must be in ILLINET library, Illinois library system or at the Illinois State Library.
- e) Each applicant must not have commenced graduate study for the master's of library and information science.

**Section 3035.350 Application Process**

- a) All applications must be submitted to: Illinois State Library, Library Training Program Grants, Gwendolyn Brooks Building, 300 South Second Street, Springfield, Illinois 62701-1796 by May 1 of each year.
- b) All applications must be submitted on the written application form supplied by the State Library. The application form shall request personal identifying information concerning the applicant, the name and admittance date of the library school the applicant seeks to attend, the applicant's educational history and college transcripts, the collegiate extra academic activities of the applicant, any organizational affiliations of the applicant, the applicant's employment history, the names and addresses of three references, and an essay question to be answered by the applicant seeking to know why the applicant wants to be a librarian.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

**Section 3035.360 Selection of Training Program Grantees**

- a) A grant will be awarded to up to 15 applicants per calendar year who:
  - 1) possess the best academic performance as indicated by:
    - A) grade point average, in comparison to the other applicants and to the applicant's peers in his or her undergraduate school;
    - B) the personal interview by the State Library staff and the Illinois State Library Training Grant Program Committee appointed by the Director of the Illinois State Library;
    - C) whether the answer to the essay question on the application form shows the applicant to be a person genuinely interested in becoming a librarian in Illinois (for example, by identifying their personal goals and by demonstrating their intellectual curiosity, initiative, leadership ability, flexibility, punctuality, dependability, creativity and resourcefulness);
  - 2) participated in extracurricular activities in college that show the applicant to be a student with interests that can contribute to his or her success as a librarian;
  - 3) produce personal references that recommend the applicant for the grant;
  - 4) exhibit positive attitude and demeanor toward his or her work, indicating that the applicant will work well in the library community; and
  - 5) are likely to succeed academically in the master of library and information science program based upon past academic and extracurricular performance.
- b) Only applications postmarked by May 1 of each calendar year will be considered.
- c) The successful grant applicants will be notified by August 1 of each calendar year.
- d) The final decision regarding each applicant will be made by the Director of the State Library.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

- e) Grant applications are subject to the conditions stipulated in Section 3035.135 of this Part.

**Section 3035.370 Conditions of Training Program Grants**

- a) The applicants must submit proof of acceptance but not be enrolled in the graduate library program at a school specified in Section 3035.330 by May 1 of each calendar year. No grant award may be utilized to defray or otherwise reimburse previous study and applicants may not be enrolled in the graduate program at the time of submission of the application.
- b) The grant recipient must notify the State Library in writing of his or her proposed date of graduation from the master of library and information science program at least four months before the date of graduation.
- c) The grant recipient must immediately notify in writing the State Library of other grants or loans being accepted by the applicant.
- d) The grant recipient must commence the master of library and information science program at the beginning of the next fall academic term (unless the grantee has requested to begin studies with summer enrollment), and must continue on a full or a part-time basis with no interruptions or leaves of absence, except upon the written approval of the Director of the State Library after consideration of the recipient's written request, based on unforeseen hardship, such as personal emergency, illness or disability.
- e) The recipient must forward an original or photocopy of the college's or university's official notification of grades of graduate library school courses for each semester of study to the Illinois State Library Training Program Grants Committee within 30 days following the semester's conclusion.
- f) A Library Training Program Grant is subject to cancellation if a C average for each semester of graduate library courses is not maintained.
- g) If, for any reason, the grant recipient is unable to complete the required course program and receive the master's degree in library and information science, the recipient must refund the total amount of money received. The grant must also be repaid if the recipient fails to fulfill the personal services agreement for two years of full-time work in a qualifying Illinois library. In the event of other extenuating

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

circumstances (i.e., unplanned, unforeseen crisis, emergencies, or situations beyond the recipient's control), the responsibility of the recipient will be reviewed and determined by the Director of the Illinois State Library.

- h) The recipient must satisfy the requirements of the personal services agreement with the Illinois State Library within the first three years following graduation from graduate library school. The recipient must submit to the Illinois State Library proof of employment by an ILLINET library, Illinois library system or the Illinois State Library and proof of continued employment in such a library until the two year work agreement has been fulfilled.
- i) The successful applicant must sign a written agreement evidencing all of these terms and conditions at the time of acceptance of the grant.
- j) The failure, either by neglect or willful misconduct, of the recipient to strictly adhere to this Section shall result in the forfeiture of the grant, and the grant shall be paid back to the State Library. If the two year work agreement is not fulfilled, the recipient shall repay the amount of the grant, or repay a pro-rated amount if only a fraction of the time is worked in a public library. The Director shall send a written payback order to the applicant. If the recipient wishes to contest the payback order, he or she shall be entitled to request a personal hearing before the Director. The request for a hearing must be made within 30 days after the date of the payback order. The hearing date, time and location will be stated in a letter to the recipient, which will be sent within 15 days after the receipt of the hearing request. The decision after the hearing by the Director is final.
  - 1) The grant shall be paid back at the rate of at least \$100 per month, commencing within 90 days after the grant recipient leaving the master's program without successful completion, or completion of the public library service agreement.
  - 2) No interest on the unpaid balance shall be charged.
  - 3) The State Library shall use the offset procedure with the Illinois Comptroller (74 Ill. Adm. Code 285) and the Illinois State Collection Act of 1986 [30 ILCS 210] to collect any unpaid monies due to the State Library by any grant recipient.

## SECRETARY OF STATE

## NOTICE OF PROPOSED RULES

**Section 3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs**

	<b>Adult Literacy</b>	<b>Family Literacy</b>	<b>Workplace Literacy</b>
Purpose	Improve the adult's literacy skills	Improve the adult's literacy skills, Improve parenting skills	Improve the employee's literacy skills, Increase work skills
Audience	Adults	Adults and their children	Employees who are adults
Teaching Method	Volunteer tutoring	Classroom teaching	Classroom teaching
Program Components	One: Adult Basic Education or English as a Second Language	Five: Adult Basic Education or English as a Second Language, Child education, Library education, Parenting education, Parent/child interaction	One: Adult Basic Education or English as a Second Language
Agencies Involved	One: Adult education agency	Three: Adult education agency, Library, Child education agency	Two: Adult education agency, Public or private employers
Agencies Eligible To Apply	Adult education agency	Any of the three agencies involved	Public or private employers
Location of Service	Anywhere	Anywhere	At the workplace, during work time

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3040.100	Repeal
3040.110	Repeal
3040.120	Repeal
3040.130	Repeal
3040.140	Repeal
3040.150	Repeal
3040.160	Repeal
3040.170	Repeal
3040.180	Repeal
3040.470	Repeal
3040.EXHIBIT A	Repeal
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and will be incorporated as Subpart B in a new Part, Illinois State Library Grant Programs (23 Ill. Adm. Code 3035).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this repealer replace any emergency rulemaking currently in effect? No
- 8) Does this repealer contain any automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The objective is to consolidate all rules regarding grants issued by the Illinois State Library into a single Part. The staff of the Joint Committee on Administrative Rules suggested that grant rules located in various rules be incorporated in a single Part in order to facilitate ease of use for the State's

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

library community, and at its meeting on March 27, 2007, the Illinois State Advisory Committee endorsed JCAR's recommendation.

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

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

217/558-4185; jnatale@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profits 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 repealer was summarized: July 2007

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

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

## PART 3040

LITERACY GRANT PROGRAM (REPEALED)

## SUBPART A: ADULT LITERACY GRANT PROGRAM

## Section

3040.100	Purpose
3040.110	Definitions
3040.120	Application for Grant
3040.130	Review of Grant Applications
3040.140	Award of Grants, Accountability and Recordkeeping
3040.150	Cancellation of Grant
3040.160	Fiscal Procedures
3040.170	Other Requirements
3040.180	Invalidity

## SUBPART B: WORKPLACE LITERACY PROGRAM

## Section

3040.200	Purpose (Repealed)
3040.210	Definitions (Repealed)
3040.220	Application for Grant (Repealed)
3040.230	Review of Grant Applications (Repealed)
3040.240	Award of Grant, Financial Reports, and Program Progress Reports (Repealed)
3040.250	Cancellation of Grant (Repealed)
3040.260	Other Requirements (Repealed)
3040.270	Invalidity (Repealed)

## SUBPART C: FAMILY LITERACY PROGRAM

## Section

3040.300	Purpose (Repealed)
3040.310	Definitions (Repealed)
3040.320	Eligible Applicants (Repealed)
3040.330	Grant Applications (Repealed)

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

## SUBPART D: SPECIAL GRANT PROGRAMS

## Section

3040.400 Making Work Pay Grant Program (Repealed)

3040.450 New Chapters Grant Program (Repealed)

3040.470 Penny Severns' Grant Program

3040.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 21 Ill. Reg. 11767, effective August 11, 1997; amended at 23 Ill. Reg. 2402, effective January 22, 1999; amended at 23 Ill. Reg. 2574, effective January 26, 1999; emergency amendment at 23 Ill. Reg. 4115, effective March 18, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8645, effective July 13, 1999; amended at 27 Ill. Reg. 19004, effective December 15, 2003; emergency amendment at 28 Ill. Reg. 1434, effective January 12, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 6929, effective April 26, 2004; amended at 29 Ill. Reg. 914, effective January 1, 2005; Part repealed at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: ADULT LITERACY GRANT PROGRAM

**Section 3040.100 Purpose**

- a) The Adult Literacy Grant Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act [15 ILCS 320/7.2], to develop, expand or support adult, family and workplace literacy programs in Illinois through local community programs administered by education agencies, libraries, public and private employers, volunteer or community-based organizations, or a coalition thereof.
- b) The purposes of the 3 types of literacy programs are:

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- 1) Adult literacy program will provide instruction in literacy to persons 16 years or older who read or compute below a 9<sup>th</sup> grade level.
  - 2) Workplace literacy program will provide services to assess the educational skill levels to provide direct instructional services for adults employed or available to be employed by an Illinois employer for adult employees or prospective employees who read, write, comprehend, or compute below a 9<sup>th</sup> grade level in English and takes place at their place of business.
  - 3) Family literacy program will provide direct instructional services to parents and children and reciprocal parent-child learning activities for a family literacy program offered to adult caregivers and their children. Family literacy services may include the clients of residential domestic violence shelters.
- c) The features of each of the 3 types of literacy programs are delineated in Exhibit A of this Part.

**Section 3040.110 Definitions**

"Adult" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (16) and is not currently enrolled in school [105 ILCS 5/Art. 26].

"Applicant" means the eligible education agency or public or private employer.

"Application" means the written request for a literacy grant submitted to the LAB pursuant to this Part. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

"Coalition" means a structured cooperative effort between a library system, library or libraries, education agency or agencies, and community-based organization or organizations, or any combination thereof at the local or regional level.

"Community" means a village or city, county, or any local municipality in Illinois.

"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community,

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

which provides services to citizens within that community and the surrounding area.

"Educational Agencies" means those entities eligible to apply are public libraries that are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board and have provided instructional literacy services for at least 3 years; community based organizations, volunteer agencies or a coalition thereof that are 501(c)(3) entities and have provided literacy instructional services for at least 3 years; and public and private employers that have provided instructional literacy services for at least 3 years or are in cooperation with an educational agency that has provided instructional literacy services.

"Educational Skills Assessment" means testing methods that measure the educational skills possessed by adults, including reading, writing, comprehension and computation skills in English.

"Family Literacy" means reading, writing, and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and structured reciprocal time for both to learn together.

"Fiscal year" means the fiscal year of the State of Illinois.

"Instructional Materials" means written materials and computer software programs that are used in teaching adults basic reading, writing, comprehension, computation or English language skills.

"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320/7.2].

"Library" means the main facility for a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, compute, and comprehend above the 8.9 grade level as measured by an educational skills assessment.

"Literacy Program" means a structured project or program which provides direct

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

instructional services in literacy to adult students.

"Math Student" means an adult whose math skills are below the 9.0 grade level who is enrolled in the literacy program for math instruction.

"Participating Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State.

"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].

"Workplace Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult employees or prospective employees at their place of employment.

**Section 3040.120 Application for Grant**

- a) ISL may make grant application forms available prior to the availability of funds.
- b) Applications shall be submitted to the Literacy Office, Illinois State Library, Gwendolyn Brooks Building, 300 S. Second, Springfield, Illinois 62701.
- c) Applications shall be reviewed by the LAB. Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- d) The maximum grant amount shall be determined by the Secretary basing his or her decision upon the amount of money appropriated by the General Assembly and the likely number of grant applications.
- e) The grant period shall be within the fiscal year.
- f) Applications shall include the following information:
  - 1) The name of the literacy program for the community.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- 2) The name and address of the grant applicant.
- 3) The name and telephone number of grant project applicant's director or executive officer.
- 4) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the grant applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.
- 5) The name, address and contact person for each business whose employees will participate in literacy services.
- 6) The name, address and contact person for domestic violence shelter facilities whose clients will participate in literacy services.
- 7) The name, address and contact person for the local public library.
- 8) The term of the literacy program.
- 9) The total amount of grant money requested for the literacy program.
- 10) A brief and explicit description of the literacy program purpose and goals.
- 11) A statement supported by statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence, (statements from local officials, State Legislature requests, or community college reports) detailing the need for the literacy program in the particular community or geographic region of the grant applicant.
- 12) A statement of the instructional, promotional and training methods to be used by the grant applicant to meet its stated goals and objectives.
- 13) A statement of the grant applicant's plans to coordinate its effort with other community groups providing similar or related services, and to cooperate with other community groups, including education groups, volunteer organizations, governmental bodies, private business, and library organizations and a listing of participating agencies.
- 14) A statement detailing plans to evaluate projects objectives and program

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

accomplishments by the grant applicant, including statistical data and how it is gathered and by whom and when.

- 15) A list of all organizations which are participating agencies in the literacy program project proposed by the grant applicant including signatures of organization representatives.
- 16) The budget for the literacy project, setting forth the personnel costs, fringe benefits (e.g., retirement benefits and health insurance), travel costs, equipment purchases, supplies, contractual services, instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.
- 17) A statement as to the time schedule for the completion of project objectives of the literacy program within the grant year.
- 18) For organizations that are not units of government, a statement of cash flow in accordance with Statement No. 95, FASB Statements of Financial Accounting Standards, Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut 06856, November 1987, no subsequent dates or editions included.
- 19) If the applicant is a charitable organization, the proper certification of federal and State tax exempt status.

**Section 3040.130 Review of Grant Applications**

- a) The LAB shall review all grant applications which are designed to deliver direct instructional service in literacy to adult students.
- b) The LAB will use the following selection criteria:
  - 1) Whether the need for literacy services for the target population is demonstrated and how proposed literacy services address the need.
  - 2) Whether the grant applicant has identified similar programs provided locally by other organizations and has described cooperation and coordination with such programs.
  - 3) Whether the plan of operation contains a specific statement of project

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

goals and outcomes, the methods used to achieve these goals and outcomes, the number of students to be served, and the number of administrative and instructional personnel necessary to serve the targeted student population.

- 4) Whether the proposed budget is reasonable in view of the proposed goals of the project, and the budget is adequate to support the project.
  - 5) Whether the proposed project contains evaluation methods and procedures that will produce quantifiable data regarding the results of the educational assessment, including pre- and post-testing of students to evaluate student progress, recordkeeping procedures for both students' instructional hours, and volunteer tutor's hours of participation.
  - 6) Whether the persons managing the project have experience, training or education to provide adult literacy programming, including at least a bachelor's degree, and the administrative capacity to support the project.
  - 7) A report on the use of the previous year's grant, if a grant was received, detailing information on students served, progress of program towards its stated goals and an evaluation detailing the student outcomes achieved, the programmatic outcomes and the impact of the program.
- c) The criteria listed in subsection (b) of this Section will be evaluated by the LAB, using its best professional judgment.
- d) The LAB shall not select any grant application nor award any public funds to any grant applicant which:
- 1) Does not certify or state that it will comply with the Illinois Human Rights Act [775 ILCS 5].
  - 2) Users as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud, and misrepresentation under laws of the United States, Illinois, or any other state, or have been convicted of bribery in violation of Section 10.1 of the Illinois Purchasing Act [30 ILCS 505].
  - 3) Has as its managers employees of the Office of the Secretary of State.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- 4) Has been disqualified and has its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved by LAB, failure to complete reporting requirements satisfactorily, misappropriation of funds, or any violation of this Part as determined by the Secretary.
- e) The LAB shall not award more than one grant under Subpart A of this Part to any one applicant in the same fiscal year.

**Section 3040.140 Award of Grants, Accountability and Recordkeeping**

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved, based upon the criteria in Section 3040.130.
- b) Grant awards will be made upon appropriation of funds.
- c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary.
- d) The final approved grant applications and the funding determination shall constitute the Adult Literacy Grant Program, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclose pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- e) Approved grant applicants shall submit to the State Library, Office of the Secretary of State, such reports as deemed necessary by the Illinois State Library staff to assure project accountability.
- f) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5].

**Section 3040.150 Cancellation of Grant**

- a) A grant shall be cancelled if:
  - 1) Required reports and data are not submitted as required by Section 3040.140(e). Grant programs shall receive one 30 day notice requesting compliance with this Section before the grant shall be cancelled.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- 2) An interim financial report shows financial irregularities, such as misappropriation or embezzlement of funds by the grant program operator and/or its employees and staff.
  - 3) The grant program fails to adhere to the grant plan as approved by LAB.
  - 4) The grant program managers are convicted of any felony or misdemeanor.
  - 5) The grant program fails to operate properly and effectively.
  - 6) A monitor's evaluation shows program irregularities or non-compliance with this Part.
- b) Upon cancellation, the Secretary shall send a notice by certified, return receipt requested mail to the grant program, which shall return all unexpended public funds to the Secretary within 30 days after the date of the cancellation notice.
  - c) Any public funds not returned shall be the subject of a collection action by the Attorney General of Illinois.

**Section 3040.160 Fiscal Procedures**

- a) The literacy grant recipient may be asked by the State Library to present copies of past audits or require that an audit of grant funds be performed on individual programs.
- b) Audits may be requested for such reasons as poor recordkeeping, fiscal irregularities, or staff's request after viewing narrative reports or after viewing files at the program site.

**Section 3040.170 Other Requirements**

- a) Testing
  - 1) Plans for pre- and post-testing of students must be attached to the proposal application. The Slosson Oral Reading Test-Revised (SORT-R), which can be ordered from Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280, or the Test of Adult Basic Education (TABE), which can be ordered from CTB/McGraw-Hill, 20 Ryan Ranch

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

Road, Monterey CA 93940, telephone: 800/538-9547, must be used in student testing for semi-annual reports submitted to the State Library, Office of the Secretary of State. Programs are encouraged to use additional tests for their own purposes.

- 2) In the case of English As a Second Language (ESL) projects, professionally accepted tests must be used, such as the ESLOA Oral Assessment, which can be ordered from Literacy Volunteers of America, Inc. 5795 Widewater Parkway, Syracuse NY 13214; the Comprehensive English Language Skills Assessment (CELSA), which can be ordered from Association of Classroom Teacher Testers, 1136 Clement Street, San Francisco CA 94118; the Basic English Skills Test (BEST), which can be ordered from Center for Applied Linguistics, 1118 22nd Street, NW, Washington DC 20037; the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as ILR), which can be ordered from ETS, Princeton NJ 08541. All tests used must be described in the proposal. Results must accompany semi-annual and final reports.
  - 3) In the case of students who enroll for math assistance only, the TABE math test, which can be ordered from CTB/McGraw Hill, 20 Ryan Ranch Road, Monterey CA 93940, must be used in testing for semi-annual reports submitted to the State Library, Office of the Secretary of State.
- b) No grant funds shall be used to purchase equipment.
  - c) No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.
  - d) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the State Library, Office of the Secretary of State. Justification must be provided if consultant services are purchased and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and State Library, Office of the Secretary of State, based on the consultant's prior experience and expertise in literacy programs.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- e) A literacy grant monitor shall make a minimum of one site visit during each biennium. Additional site visits shall be made at the discretion of the Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, request by literacy program). Literacy monitors shall evaluate program effectiveness. It shall be the responsibility of the grant monitor to:
- 1) Review the grant budget and expenditures in the project to date.
  - 2) Verify that the project plan is being implemented according to the proposal approved by the LAB.
  - 3) Submit a written report on the progress of the project to the State Library Literacy Office following each site visit.

**Section 3040.180 Invalidity**

If any Section or subsection of this Part shall be held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining sections or subsections thereof.

## SUBPART B: WORKPLACE LITERACY PROGRAM

**Section 3040.200 Purpose (Repealed)****Section 3040.210 Definitions (Repealed)****Section 3040.220 Application for Grant (Repealed)****Section 3040.230 Review of Grant Applications (Repealed)****Section 3040.240 Award of Grant, Financial Reports, and Program Progress Reports (Repealed)****Section 3040.250 Cancellation of Grant (Repealed)****Section 3040.260 Other Requirements (Repealed)****Section 3040.270 Invalidity (Repealed)**

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

## SUBPART C: FAMILY LITERACY PROGRAM

**Section 3040.300 Purpose (Repealed)****Section 3040.310 Definitions (Repealed)****Section 3040.320 Eligible Applicants (Repealed)****Section 3040.330 Grant Applications (Repealed)**

## SUBPART D: SPECIAL GRANT PROGRAMS

**Section 3040.470 Penny Severns' Grant Program**

- a) Competitive grants
  - 1) Application requirements, including criteria, for the Penny Severns' Grant Program shall be made available by the State Librarian no later than March 1 for the current year. Applications shall be submitted to the Illinois State Library on or before April 30. The State Librarian shall disqualify applications that are untimely filed or those that are not submitted on the prescribed forms.
  - 2) Applications shall be reviewed by the State Librarian or designee. The decision of the State Librarian is final. Review criteria includes, but is not limited to, a review of:
    - A) How the applicant identifies and addresses the at-risk population to be served;
    - B) How the learning activities involve both parent and child in interactive learning experiences;
    - C) Number of people to be served;
    - D) Reasonableness of the budget in relation to the goals and objectives. Requested funds are sufficient but not excessive and are targeted to accomplish the specified goals and objectives;
    - E) How libraries are involved in learning activities.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- 3) The number of grants to be awarded is at the discretion of the State Librarian.
  - 4) Applicants must meet requirements designated by the State Library for collaboration with other groups interested in promoting reading and literacy.
  - 5) At risk families are defined as parents and their children whose minimal skills in reading, writing, computation, comprehension and communication preclude them from functioning effectively in their lives.
- b) Funding awarded under subsection (a) of this Section may be used for any one or all of the following purposes:
- 1) Development of collections of materials, including learning games, for use by parents working together with their children.
  - 2) Employment of staff to provide parent-child reading activities, computer technology activities, experiential enrichment excursions and participation in library reading programs.
  - 3) Provision of support services to assist in families' participation which could include, but not be limited to, child care and transportation.
  - 4) Development of programs on library resources and services for at risk families.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

**Section 3040.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs**

	ADULT LITERACY	FAMILY LITERACY	WORKPLACE LITERACY
Purpose	Improve the adult's literacy skills	Improve the adult's literacy skills Improve parenting skills	Improve the employee's literacy skills Increase work skills
Audience	Adults	Adults and their children	Employees who are adults
Teaching Method	Volunteer tutoring	Classroom teaching	Classroom teaching
Program Components	One: Adult Basic Education or English as a Second Language	Five: Adult Basic Education or English as a Second Language Child Education Library Education Parenting Education Parent/child interaction	One: Adult Basic Education or English as a Second Language
Agencies Involved	One: Adult education agency	Three: Adult education agency Library Child education agency	Two: Adult education agency Public or private employers

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

Agencies Eligible to Apply	Adult education agency	Any of the three agencies involved	Public or private employers
Location of Service	Anywhere	Anywhere	At the workplace, during work time

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3060.100	Amended
3060.200	Amended
3060.400	Amended
3060.500	Amended
3060.600	Amended
3060.800	Amended
3060.900	Amended
3060.1000	Amended
- 4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments clarify that the State share of construction projects is subject to the restrictions in Section 3060.600(c) of this Part. While a member of the Illinois State Library Advisory Committee does not need to be a member on the grant application review committee, Section 3060.200 maintains its stipulation that the Director of the State Library provides the advisory committee with status reports on the program. In Section 3060.300, the definition for "Local Matching Funds" is amended to allow for pending funds from a referendum as part of the local match. In Section 3060.500, provisions are being eliminated for setting funding priorities when insufficient funds are available. In Section 3060.600(b), the maximum grant for each library political unit is reduced from \$250,000 to \$125,000. Section 3060.600(g) is requiring the grantee to sign the contract with the Secretary of State within 90 days after the grant award notification. Section 3060.900(b)(2)(A) requires 100 percent of grant funds to be spent within 12 months after the grant award contract is signed. Also, grant funds may be forfeited if a final report is not submitted to the Illinois State Library within 24 months after the grant award contract is signed, unless the Director of the State Library approves an extension. Section 3060.900(b)(2)(E) allows for the advertisement for bids to be printed in a local newspaper and copy of the advertisement, with verification of the date of publication and name of the newspaper submitted to the Illinois State Library within 10 days after publication. Section 3060.900(b) stipulates that no grant shall be awarded to any public library or regional library system unless the building and the property is owned fee

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

simple by the municipality, library district or library system, as applicable. The State Librarian may grant an exception for any property or building that is owned in fee simple by a non-profit community organization incorporated in Illinois, has federal Internal Revenue Service 501(c)(3) status, and the charter of the organization specifies that the ownership of the property or building shall revert to public library upon the dissolution of the organization. No such exception shall be granted for a regional library system. Section 3060.900(j) is being added stating construction grants are subject to the provisions and controls of the Illinois Grant Funds Recovery Act. Section 3060.1000 allows for study carrels and circulation desks for accessibility projects, but removes telephones.

- 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: The objective is to establish the FY 08 funding priorities for mini-grants and handicapped accessibility projects and to clarify language to allow for ease of use among public library construction grant applicants and grantees.
- 12) Time, Place and Manner in which interested persons may comment on these proposed amendments:

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

217/558-4185; jnatale@ilsos.net
- 13) Initial Regulatory Flexibility Analysis:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profits corporations affected: These amendments affect public libraries that receive public library construction grants.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which these proposed amendments were summarized: July 2007

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATEPART 3060  
PUBLIC LIBRARY CONSTRUCTION GRANTS

## SUBPART A: INTRODUCTION

Section	
3060.100	Program Purpose
3060.200	Duty to Administer
3060.400	Definitions

## SUBPART B: GRANT APPLICATION

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

## SUBPART C: APPEAL PROCEDURE

Section	
3060.2000	Appeal Procedure

3060.APPENDIX A EDA Qualified Areas (Repealed)

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510, effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. 12493, effective August 22, 1995; amended at 20 Ill. Reg. 13078, effective September 20, 1996; emergency amendment at 20 Ill. Reg. 15081, effective November 7, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 4981, effective April 3, 1997; amended at 23 Ill. Reg. 12717, effective October 4, 1999; amended at 25 Ill. Reg. 8352, effective July 1, 2001; amended at 26 Ill. Reg. 12014, effective August 1, 2002; amended at 27 Ill. Reg. 17089, effective November 1, 2003; amended at 28 Ill. Reg. 15607, effective December 1, 2004; amended at 29 Ill. Reg. 13885, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 9917, effective May 15, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10492, effective May 25, 2006; amended at 30 Ill. Reg. 16332, effective October 2, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INTRODUCTION

**Section 3060.100 Program Purpose**

To establish a program of matching State grants to aid in paying for the construction costs of public libraries and facilities for library systems within Illinois. Local money, except as provided in subsection (c), will be matched by State grants based on the category of grant as follows:

- a) Remodeling for Accessibility. Special projects where 70%-100% of total project funds are to be used specifically for remodeling an existing building as outlined in Section 3060.1000. The State's share shall be 50% of the project's total cost, subject to the restrictions in Section 3060.600(c) of this Part.
- b) Projects involving new construction, additions to and/or remodeling of existing buildings, conversion of buildings not currently used for library services, energy conservation projects, security systems, technology wiring and renovation projects, including projects involving shared use of public facilities. The State's share shall be a maximum of 50% of the project's total cost, subject to the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

~~restrictions in Section 3060.600(c) of this Part.~~ For shared use public facilities, the costs allocated to the public library portion of the building are the only costs eligible for reimbursement under this grant program, as stipulated in Section 3060.1050 of this Part.

- c) Mini-grants. These projects include (but are not limited to) new carpeting, new furnishings, remodeling, energy conservation, security systems, ~~and~~ technology wiring and interior or exterior painting. Libraries receiving mini-grants must address legal requirements for making the building accessible to the handicapped. There is no local match required for mini-grants.

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

**Section 3060.200 Duty to Administer**

- a) It shall be the duty of the Illinois Secretary of State, in his or her capacity as the Illinois State Librarian, to administer the provisions of this Part and to award any such grants, where appropriate, on an annual basis from funds appropriated ~~by~~from the Illinois General Assembly.
- b) The State Librarian shall add to, delete from, or modify ~~this Part~~the rules in accordance with the provisions of the Illinois Library System Act [75 ILCS 10], as necessary for the administration of these construction grants.
- c) The ~~Director~~director of the Illinois State Library shall appoint a committee ~~subcommittee~~ that will review applications for grants. The committee shall make recommendations on the program to the ~~State Librarian~~Secretary of State. One committee member ~~should be a member of the Illinois State Library Advisory Committee and at least one~~ shall be an architect or an engineer licensed to practice in the State of Illinois. The Director of the Illinois State Library shall apprise ~~the Illinois State Library Advisory Committee~~ISLAC of the recommendations and program status.
- d) Committee members shall recuse themselves from making recommendations on any grant application in which they have a financial interest.

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

**Section 3060.400 Definitions**

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

For the purposes of this Part:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded as indicated in Section 3060.100 of this Part.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Audit" means a report of financial compliance of a construction grant project by a certified public accountant.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings that which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Conversion" means converting a building currently not used as a library into a public library facility.

"Equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes, for example, fixtures, furnishings, shelving, and carpeting. "Equipment" does not include, for example, books, periodicals, films, or recordings.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library within an Illinois Library System. "Library" also means a branch library of a main library facility.

"Library building consultant" refers to an individual, chosen by the applicant library, with a Master's degree in library science from a library school accredited by the American Library Association with prior experience in at least one library construction project. An architect licensed to practice in Illinois or a structural or other type of engineer, depending on the scope of work, licensed to practice in Illinois, with prior experience in at least one library construction project, may also be a library building consultant. The architect or engineer may be retained for other services by the applicant library.

"Library system" means an organization defined at Section 2 of the Library System Act.

"Local matching funds" means general funds, securities, general revenue bonds, tax levies, mortgages and locally generated monies. Local matching funds do not include any pledges as defined in this [Section; Part, and](#) any funds from the State of Illinois; or ~~from~~ the federal government; ~~or any funds~~ from collateralized pledges; [or pending referendum to authorize funds for the construction project.](#)

"Mini-grants" means projects to enable public libraries with limited funds, as defined in this Section, to remodel or refurbish the library.

"Pledge" means a non-collateralized offer or guarantee in writing of a specified dollar amount as part of the local matching funds for a construction project.

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries [that which](#) would have received an income of less than \$12 per capita in the preceding fiscal year by using a formula [in which](#) ~~whereby~~ the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"Security system" means an electronic system designed to protect the library

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

property, facility and contents and individuals on the premises.

"Shared use facility" means a building occupied by a public library and with a school or another entity that is open to the public and complements the concept of public library service.

"State fiscal year" means the period from July 1 through June 30.

"State Librarian" means the Illinois Secretary of State.

"Technology wiring" means the installation of wiring to allow for the transmission of electronic data.

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

## SUBPART B: GRANT APPLICATION

**Section 3060.500 Priorities in Library Grant Construction Proposals**

- a) Library grant funds for library building construction in any one application round will be awarded according to the following priorities:
  - 1) Remodeling for accessibility, with conditions as stated in subsection (be) of this Section.
  - 2) A maximum of \$1 million and no less than 10% of available funding in a fiscal year will be allocated for mini-grants for public libraries.
  - 3) Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation projects, conversions, technology wiring and renovation projects, including projects involving shared use of public facilities.
- b) The cost of a parking lot can be included in the total project cost funded for remodeling for accessibility projects, but grant funds will not be allocated solely for a parking lot project, unless it is for accessibility for the disabled (ramps, curbs, doors, etc.).
- e) In the event that funds are not sufficient to meet the priorities of this Part, the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

~~State Librarian may determine the priorities upon the funding available. Due to insufficient funding for this program, for fiscal year 2007, grant priority shall be given to remodeling for accessibility and mini grants (as indicated in Section 3060.100(a) and (c) of this Part), except as otherwise provided by Section 3060.600(c) and (e).~~

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

**Section 3060.600 Grant Funding Limitations**

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.
- b) The maximum grant for each library political unit shall be ~~\$125,000~~~~\$250,000~~ per annual funding cycle, unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (d).
- c) The minimum grant awarded for mini-grants shall be \$2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed \$25,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed \$50,000; and the maximum grant awarded for other projects shall not exceed \$125,000.
- d) Library buildings that received any State or federal construction funding, whether under a library construction grant program or a specific appropriation, during the three prior ~~State~~~~state~~ fiscal years, including the current State fiscal year, are not eligible for any ~~construction~~~~construct~~ grant funding under this Part.
- e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.

- f) Competitive bids for construction projects shall not be let until after the grant contract with the Secretary of State has been signed.
- g) Grant contracts awarded under this Part must be signed within 90 days after the grant award notification~~no later than June 30 of the fiscal year in the year that the grant was issued.~~

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

**Section 3060.800 Grant Application Procedure**

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit the completed library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants:
  - 1) Application phase:
    - A) To be eligible for a Live & Learn construction grant, a public library must comply with the assurances contained in this Section, as listed in the Construction Grant Application Form, as most recently adopted by the Subcommittee for Public Library Construction, a subcommittee of the Illinois State Library Advisory Committee.
    - B) A statement describing the necessity for the proposed project.
    - C) A statement of plans to meet existing library standards of service, "Serving Our Public: Standards for Illinois Public Libraries, 1997" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. This

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

subsection (b)(1)(C) shall not apply to library systems.

- D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
- E) A library building program. For projects with a total cost of over \$150,000, a library building consultant must work with the library in developing the building program. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- F) Preliminary construction plans with a site plan of the proposed building.
- G) An estimated cost per square foot (for all projects).
- H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- I) The following conditions apply in new construction, additions and projects involving evacuation of soil:
  - i) A letter from the Illinois State Water Survey of the Illinois Department of Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.
  - ii) A subsurface soil analysis by a soils engineer.
  - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

buildings unless demolition of existing buildings (other than residences) is necessary.

- J) The real estate affected by the proposed construction is available to the library or library system, and the legal description of the affected real estate. A deed of ownership or proof of long-term (20 years minimum) occupancy, except for mini-grants. The building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the director of the Illinois State Library.
- K) A letter from the Director of the Regional Library System that serves the applicant library acknowledging that the System is aware of the proposed project.
- L) A listing of all applicable authorities having jurisdiction over the applying facility.
- M) The library will submit with the grant application the Americans ~~With~~with Disabilities Act Self-Evaluation form prepared by the Illinois State Library, except for new construction projects.
- N) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant ~~pending referendum or~~ various fundraising activities will be undertaken in the future, ~~with~~where the amount to be raised ~~remaining in pledges remains~~ uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3060.100.
- 2) Construction phase:
- A) The grantee library will expend ~~100%~~90% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. ~~If The final 10% of grant funds will be reimbursed upon receipt and review by the Illinois State Library of the close-out report, including the final audit, if applicable. Upon failure of the grantee fails to submit a final~~

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

~~close-out~~ report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the ~~Director~~director of the Illinois State Library.

- B) Construction work will be performed by the lump sum (fixed price) contract method.
- C) The library will publicly announce all requirements for architectural, engineering, and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- D) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in ~~the State designated newspaper and~~ newspaper of general circulation in the area, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45]. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- F) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) A copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and the permit shall be posted in a prominent place on the construction site.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- H) Any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.
- I) All contractors and subcontractors shall comply with the provisions of the Copeland Anti-Kick Back Act (40 USC 276c) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.
- J) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all ~~federal~~[Federal](#) and State laws, rules, and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.
- K) Construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:
- i) The bidding procedure outlined in subsection ~~(b)(2)(E)(e)(14)~~ was not followed.
  - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

not incorporated into the contracts between the library board or library system board and the contractors.

- L) A revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. ~~Approval~~Such approval will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the ~~Director~~director of the Illinois State Library.
- M) A sign will be displayed on the construction site stating that State funds administered by the ~~Secretary of State and~~ State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the ~~Secretary of State and~~ State Librarian were used for the building's construction.
- N) Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board [20 ILCS 3105/14].
- O) Any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers, or documents of the grantee involving transactions related to the grant.
- P) Construction will commence within 140 days after the effective date of the grant contract, according to Section 3060.600(f) of this Part.
- Q) The following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the ~~Director~~director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.

- i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
- ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
- iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit report that shall be completed by an independent certified public accountant in accordance with the "Government Auditing Standards: 1994 Revision", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. No later amendments to these standards are incorporated in this Section. The project audit report shall include financial statements and compliance statements (which indicate that grant monies have been obligated in compliance with applicable laws and regulations of the State of Illinois and this Part).
- iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% state of completion. The project architect or engineer shall certify

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

~~to the Illinois State Library when the project reaches the 30%, 60%, 90% and 100% state of completion.~~

- R) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable ~~federal~~Federal, State and local requirements.
- S) The library will establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- T) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3060.100(c) of this Part, upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.
- d) Applications~~All applications~~ will be considered in accordance with Section 3060.200(c) of this Part.
- e) Grant applications are subject to the conditions stipulated in 23 Ill. Adm. Code 3035.135.

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

**Section 3060.900 Requirements and Conditions of Grant Funds**

- a) Building Construction Plans
- 1) Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 2) A library building consultant shall be retained by the grantee throughout the planning and construction if the total cost of the project exceeds \$150,000.
  - 3) The architects and/or engineers employed in the design and construction of the project must be registered to practice in the State of Illinois.
  - 4) The library must meet the eligibility criteria to qualify for per capita grants provided in [Section 8.1 of the Illinois Library System Act 75 ILCS 10/8.1](#), and submit an application for such grants. This subsection (a)(4) shall not apply to library systems.
  - 5) The library or library system facility shall provide access for the physically handicapped as required in the Illinois Accessibility Code (71 Ill. Adm. Code 400), published by the Illinois Capital Development Board, and shall display the symbol of accessibility.
- b) ~~No grant shall be awarded to any public library or regional library system unless the building and the property is owned fee simple by the municipality, library district or library system, as applicable. The State Librarian may grant an exception for any property or building owned in fee simple by a non-profit community organization that is incorporated in Illinois, has federal Internal Revenue Service 501(c)(3) status and has a charter specifying that the ownership of the property or building shall revert to the public library upon the dissolution of the organization. No such exception shall be granted for a regional library system. The library or library system shall own the proposed building site in fee simple title, or show the legal right to use the premises for a minimum of 20 years, except for mini-grants as stipulated in Section 3060.800(b)(1)(J) of this Part.~~
- c) A letter of certification from the project architect or engineer, stating that the drawings represent the project as presented with the grant application, must be submitted to the Illinois State Library for approval prior to going out to bid.
- d) All contracts for library construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a [unit of local government](#), consistent with State and local laws and regulations, and approved by the Illinois State Library as designed to assure construction in an

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

economical manner consistent with sound business practices, ~~the such~~ alternative procedure may be followed, as is consistent with State statutes and local ordinances.

- e) Contractors and subcontractors shall submit with each request for payment the weekly payroll forms required by the Davis-Bacon Act (40 USC 327).
- f) The library system of which the applicant is a member shall be notified of the proposed project; a copy of the completed application shall be sent to the library system director by the applicant prior to the time that the paperwork is submitted to the Illinois State Library. This subsection shall not apply ~~if where~~ the library system is the applicant.
- g) The ~~library board~~ ~~Library Board~~ shall establish and maintain records and accounts as will permit accurate and expeditious audits at any time, before, during, and after completion of construction; the records shall be retained for not less than the time provided for by the Local Records Act [50 ILCS 205].
- h) The ~~library board~~ ~~Library Board~~ shall comply with all applicable provisions of the Illinois Procurement Code [30 ILCS 500].
- i) The library must permit intersystem reciprocal borrowing.
- j) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

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

**Section 3060.1000 Remodeling for Accessibility**

Applications for special grants for Remodeling for Accessibility projects shall include:

- a) A statement of need to meet the Illinois Accessibility Code.
- b) A supplemental detailed project budget showing costs for:
  - 1) Elevators or lifts

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 2) Remodeling restrooms
- 3) Ramps
- 4) Entrances
- 5) Remodeling stairways
- 6) Telephones
- 7) Drinking fountains
- 8) Accessibility signs
- 9) Shifting of book stacks for 3 foot clear aisles
- 10) Circulation desk and study carrels ~~Total (1-9)~~ |
- 11) Total (1-10) |

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: The Illinois State Library Training Program Grants
- 2) Code Citation: 23 Ill. Adm. Code 3070
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3070.100	Repeal
3070.110	Repeal
3070.120	Repeal
3070.130	Repeal
3070.140	Repeal
3070.150	Repeal
3070.160	Repeal
3070.170	Repeal
- 4) Statutory Authority: Implementing and authorized by Sections 2 and 7(q) of the State Library Act [15 ILCS 320/2 and 7(q)] and the Library Services and Technology Act (20 USC 9101-9176 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and will be incorporated as Subpart C in a new Part, Illinois State Library Grant Programs (23 Ill. Adm. Code 3035).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this repealer replace any emergency rulemaking currently in effect? No
- 8) Does this repealer contain an automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The objective is to consolidate all rules regarding grants issued by the Illinois State Library into a single Part. The staff of the Joint Committee on Administrative Rules suggested that grant rules located in various rules be incorporated in a single Part in order to facilitate ease of use for the State's library community, and at its meeting on March 27, 2007, the Illinois State Advisory Committee endorsed JCAR's recommendation.

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

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

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

217/558-4185; jnatale@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profits 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 repealer was summarized: July 2007

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATEPART 3070  
THE ILLINOIS STATE LIBRARY  
TRAINING PROGRAM GRANTS **(REPEALED)**

## Section

3070.100	Purpose
3070.110	Definitions
3070.120	Number and Amount of Training Program Grants
3070.130	Illinois Library Schools and Attendance Requirements
3070.140	Eligibility Requirements
3070.150	Application Process
3070.160	Selection of Training Program Grantees
3070.170	Conditions of Training Program Grants

**AUTHORITY:** Implementing and authorized by Sections 2 and 7(q) of the State Library Act [15 ILCS 320/2 and 7(q)] and the Library Services and Technology Act (20 USC 9121 et seq.).

**SOURCE:** Adopted at 12 Ill. Reg. 1915, effective January 1, 1988; amended at 18 Ill. Reg. 4981, effective March 14, 1994; emergency amendment at 22 Ill. Reg. 21112, effective November 17, 1998, for a maximum of 150 days; emergency expired April 16, 1999; amended at 23 Ill. Reg. 5861, effective May 3, 1999; Part repealed at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 3070.100 Purpose**

- a) The Illinois State Library Training Program Grants, which assist Illinois residents to obtain a Masters Degree in Library and Information Science, are hereby established by the Secretary of State.
- b) The purposes of the Library Training Program Grants are to encourage college graduates with demonstrated scholarship, talent, and potential to enter the library profession, to encourage these new librarians to work in Illinois libraries, and to improve and stimulate development of library service in Illinois.
- c) The State Library shall administer the State Library Training Program Grants.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

**Section 3070.110 Definitions**

"Academic Year" shall mean the instruction period from September of one calendar year until June of the following calendar year, unless grantee has requested to begin studies with summer enrollment.

"Applicant" shall mean the person who applies for Illinois State Library training grant and who has not begun the program for a Masters Degree in Library and Information Science.

"C-Average" shall mean the median grade on a letter grading system at the Illinois graduate library schools, or a 2.0 grade on a 4.0 grade scale, or a 3.0 grade on a 5.0 grade scale.

"Director" shall mean the Director of the Illinois State Library.

"Grant" shall mean a Training Program Grant being awarded under this Part.

"Illinois Library and Information Network 'ILLINET' Library" shall mean a library that is a member of an Illinois library system.

"Library" shall mean an entity that serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least 15 hours per week as librarian. The collection must have permanent financial support, be accessible centrally and occupy identifiable quarters in one principal location.

"Library System" shall mean an organization of libraries established under the Illinois Library System Act [75 ILCS 10].

"MLS" shall mean a program for the Masters Degree in Library and Information Science in which the applicant is enrolled and for which the training grant is awarded.

"Resident of Illinois" shall mean a person who is domiciled in Illinois for one calendar year prior to application, or a person who is a domiciliary of Illinois and registered to vote in Illinois but is attending a school of higher education outside of Illinois.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

"Secretary of State" or "Secretary" shall mean the Illinois Secretary of State, who is the State Librarian.

"State Library" shall mean the Illinois State Library, as established pursuant to the State Library Act [15 ILCS 320].

"Training Program" shall mean the Illinois State Library Training Program, as established by this Part.

**Section 3070.120 Number and Amount of Training Program Grants**

- a) The State Library shall award no more than 15 Training Program grants each academic year. The final number of grants awarded shall be determined by the amount of Training Program grant money available and the number of qualified applicants.
- b) The maximum Training Program grant to be awarded shall be \$7,500 for the Master of Library and Information Science program in which the successful applicant is enrolled. A full-time training grant shall be paid in three installments of \$2500.00, at the beginning of the three graduate semesters or as required by the graduate school's tuition payment schedule. A part-time training grant will be paid in six installments of \$1,250.00, at the beginning of the six graduate semesters or as required by the graduate school's tuition payment schedule.

**Section 3070.130 Illinois Library Schools and Attendance Requirements**

The grant shall be awarded only to individuals who will attend an American Library Association accredited graduate school.

**Section 3070.140 Eligibility Requirements**

- a) Each applicant must be a resident of Illinois and a citizen of the United States or its territories.
- b) Each applicant must have received a Bachelor's degree from an accredited college or university (with a transcript of all academic work submitted to the Illinois State Library).

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- c) Each applicant must be accepted at a graduate library school accredited by the American Library Association.
- d) Each applicant must agree to sign an agreement with the State of Illinois, Illinois State Library, consenting to spend the equivalent of two years in full-time Illinois library service within the first three years following graduation from graduate library school. Service must be in an Illinois Library and Information Network (ILLINET) library, Illinois library system or at the Illinois State Library.
- e) Each applicant must not have commenced their graduate study for the Master of Library and Information Science.

**Section 3070.150 Application Process**

- a) All applications must be submitted to: Illinois State Library, Training Program Grants, 300 South Second Street, Springfield, Illinois 62701-1796 by May 1 of each year.
- b) All applications must be submitted on the written application form supplied by the State Library. The application form shall request personal identifying information concerning the applicant, the name and admittance date of the library school the applicant seeks to attend, the applicant's educational history and college transcripts, the collegiate extra academic activities of the applicant, any organizational affiliations of the applicant, the applicant's employment history, the names and addresses of three references, and an essay question to be answered by the applicant seeking to know why the applicant wants to be a librarian.

**Section 3070.160 Selection of Training Program Grantees**

- a) A grant will be awarded to those applicants (not to exceed 15 per calendar year) who possess the best academic performance, i.e., grade point average, in comparison to the other applicants, and to the applicant's peers in his or her undergraduate school, whose personal interview by the State Library staff and a committee appointed by the Director of the Illinois State Library and whose answer to the essay question on the application form show the applicant to be a person genuinely interested in becoming a librarian in Illinois (i.e., by identifying their personal goals and by demonstrating their intellectual curiosity, initiative, leadership ability, flexibility, punctuality, dependability, creativity, and resourcefulness, among other qualities), whose extracurricular activities in college

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

show the applicant to be a student with interest which can contribute to his or her success as a librarian; whose personal references recommend the applicant for the grant; and whose positive attitude and demeanor toward his or her work show that the applicant will work well in the library community, and who is likely to succeed academically in the Master of Library and Information Science program based upon his or her past academic and extracurricular performance.

- b) Only applications which are postmarked by May 1 of each calendar year will be considered.
- c) The successful grant applicants will be notified by August 1 of each calendar year.
- d) The final decision regarding each applicant will be made by the Director of the State Library.

**Section 3070.170 Conditions of Training Program Grants**

- a) The applicants must submit proof of acceptance but not be enrolled in the graduate library program at a school specified in Section 3070.130 of this Part by May 1 of each calendar year. No grant award may be utilized to defray or otherwise reimburse previous study and applicants may not be enrolled in the above-referenced graduate library at the time of submission of said application.
- b) The successful applicant must notify the State Library in writing of his/her proposed date of graduation from the Master of Library and Information Science program at least four months before the date of graduation.
- c) The successful applicant must immediately notify in writing the State Library of other grants or loans being accepted by the applicant.
- d) The successful applicant must commence the Master of Library and Information Science program at the beginning of the next Fall academic semester (unless the grantee has requested to begin studies with summer enrollment), and must continue on a full or a part-time basis with no interruptions or leaves of absence except upon the written approval of the Director of the State Library after consideration of the applicant's written request, i.e., personal emergency, illness, or disability.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- e) Recipient must forward an original or photocopy of the college's or university's official notification of grades of graduate library school courses for each semester of study to the Illinois State Library Training Program Grants Committee within thirty days following the semester's conclusion.
- f) Training Program Grant is subject to cancellation if a grade C average for each semester of graduate library courses is not maintained.
- g) If, for any reason, the grant recipient is unable to complete the required course program and receive the Master of Library and Information Science Degree, the recipient must refund the total amount of money received. The grant must also be repaid if the recipient fails to fulfill the personal services agreement for two years of full-time work in a qualifying Illinois library. In the event of other extenuating circumstances (i.e., unplanned, unforeseen crisis, emergencies, or situations beyond the recipient's control), the responsibility of the recipient will be reviewed and determined by the Director of the Illinois State Library.
- h) The recipient must satisfy the requirements of the personal services agreement with the Illinois State Library within the first three years following graduation from graduate library school. The recipient must submit to the Illinois State Library proof of employment by an ILLINET library, Illinois library system or the Illinois State Library and proof of continued employment in such a library until the two-year work agreement has been fulfilled.
- i) The successful applicant must sign a written agreement evidencing all of these terms and conditions at the time of acceptance of the grant.
- j) The failure, either by neglect or willful misconduct, of the applicant to strictly adhere to the subsections (a) through (i) of this Section shall result in the forfeiture of the grant, and the grant shall be paid back to the State Library. If the two year work agreement is not fulfilled, the recipient shall repay the amount of the grant, or repay a pro-rated amount if only a fraction of the time is worked in a public library. The Director shall send a written payback order to the applicant. If the applicant wishes to contest the payback order, he or she shall be entitled to request a personal hearing before the Director. The request for a hearing must be made within 30 days after the date of the payback order. The hearing date, time, and location will be stated in a letter to the successful applicant which will be sent within 15 days after the receipt of the hearing request. The decision after the hearing by the Director is final.

## SECRETARY OF STATE

## NOTICE OF PROPOSED REPEALER

- 1) The grant shall be paid back at the rate of at least \$100 per month, commencing within 90 days after the applicant's leaving the Master's program without successful completion or completion of the public library service agreement.
- 2) No interest on the unpaid balance shall be charged.
- 3) The State Library shall use the offset procedure with the Illinois Comptroller (74 Ill. Adm. Code 285) and the Illinois State Collection Act of 1986 [30 ILCS 210] to collect any unpaid monies due to the State Library by any applicant.

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Miscellaneous
- 2) Code Citation: 26 Ill. Adm. Code 207
- 3) Section Number: 207.170                      Proposed Action:  
New Section
- 4) Statutory Authority: Implementing Sections 4-8, 5-7, 6-35, 19-4 and 20-4 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35, 19-4, 20-4 and 1A-8(9)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes a 30-day deadline following the official proclamation of the State Board of Elections sitting as the State Canvassing Board for election authorities to submit any amendments to their official canvass, which would impact the official canvass of the State Board of Elections.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rule making 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: The proposed rule does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Steven Sandvoss  
General Counsel  
State Board of Elections  
1020 S. Spring Street

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62708

217/782-4141

- 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 2 most recent regulatory agendas because: it was not anticipated.

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

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED AMENDMENT

## TITLE 26: ELECTIONS

## CHAPTER I: STATE BOARD OF ELECTIONS

## PART 207

## MISCELLANEOUS

Section	
207.10	Failure to Nominate Candidate
207.20	Notice of Primary Election – County of 500,000 Or More
207.30	Document Copying Fees
207.40	County Clerk Notifications to State Board of Elections of Certain Filings for Office
207.50	Deputy Registrars; Definition of Bonafide State Civic Organization
207.60	Chad Removal
207.70	Post Tabulation Testing
207.80	Notation of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting Systems
207.90	Reporting of Errors in Vote Tabulation Where Electronic Voting Systems Are In Use
207.100	Requirements for Operator's Log
207.110	Requirements for Voter Information Tapes
207.120	Procedures for Election Night Equipment Failure
207.130	Testing Voting Systems
207.140	Certification of Signature Imaging Systems
207.150	Receipt and Dissemination of Absentee Voting Information
207.160	Attendance of Members at Board Meetings other than by Physical Presence
<u>207.170</u>	<u>Acceptance of Amended Canvass Results</u>
207.APPENDIX A	Log for Vote Tabulation
207.APPENDIX B	VIS Format

AUTHORITY: Implementing Sections 4-8, 5-7, 6-35, 19-4 and 20-4 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35, 19-4, 20-4 and 1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; codified at 6 Ill. Reg. 7219; amended at 6 Ill. Reg. 8976, effective July 12, 1982; amended at 8 Ill. Reg. 24560, effective December 6, 1984; amended at 11 Ill. Reg. 18660, effective October 30, 1987; amended at 15 Ill. Reg. 14427, effective September 27, 1991; amended at 18 Ill. Reg. 14714, effective September 9, 1994; amended 20 Ill. Reg. 2634, effective February 10, 1997; amended at 30 Ill. Reg. 16076,

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED AMENDMENT

effective September 30, 2006; amended at 31 Ill. Reg. 7148, effective May 1, 2007; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 207.170 Acceptance of Amended Canvass Results**

- a) No later than 31 days following the date of any election, the State Board of Elections (the Board) shall canvass the results and issue an official proclamation declaring the names of the candidates who have been elected or who have been nominated at the election for the offices listed in Section 22-7 of the Election Code (the Code) and shall canvass the votes cast for any Constitutional amendments and any questions of public policy submitted to the electors of the entire State, issue a proclamation of the result, and certify the results to the Governor.
- b) Any amendment to the tabulated statement of returns prepared by an election authority pursuant to Section 7-56 of the Code, or any amendment to the abstracts of votes prepared by an election authority pursuant to Section 22-1 of the Code, in order to be incorporated into the official canvass and proclamation of the Board, must be submitted to the Board no later than 30 days following the official proclamation of the Board following the election.
- c) Amendments to the tabulated statement of returns or to the abstracts of votes submitted beyond the 30-day deadline established in this Part shall not be considered by the Board.
- d) Nothing in this Section shall be construed as an authorization to or a requirement on an election authority to extend the deadline for filing a petition for a discovery recount beyond the 5 day period following the official proclamation of the results of any canvass as provided in Section 22-9.1 of the Election Code. The official proclamation referred to in this subsection is the one that occurs no later than 31 days following the election and not an official proclamation made by the Board following the timely submission of an amended canvass provided for in subsection (b).

(Source: Added at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Appropriation Transfers
- 2) Code Citation: 23 Ill. Adm. Code 1060
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1060.10	Amend
1060.15	New
1060.20	Amend
- 4) Statutory Authority: Implementing Section 13.2 of the State Finance Act [30 ILCS 105/13.2] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05]
- 5) Effective Date of Amendments: August 16, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 13, 2007; 31 Ill. Reg. 5700
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 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 State Finance Act requires that the Board of Higher Education approve transfers among appropriations for Illinois' public universities, the Illinois Mathematics and Science Academy, and the Board of Higher Education. This rulemaking incorporates technical amendments necessary to make the Part consistent with statute.

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Sandi Gillilan, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, 2<sup>nd</sup> Floor  
Springfield, Illinois 62701

217/557-7352

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

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER II: BOARD OF HIGHER EDUCATION

## PART 1060

## APPROPRIATION TRANSFERS

## Section

1060.10

Purpose

1060.15Definitions

1060.20

Criteria for Approval

AUTHORITY: Implementing Section 13.2 of the State Finance Act [30 ILCS 105/13.2] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05].

SOURCE: Amended and effective April 15, 1976; repealed at 8 Ill. Reg. 16816, effective August 19, 1984; new rules adopted at 9 Ill. Reg. 1071, effective January 16, 1985; amended at 31 Ill. Reg. 12580, effective August 16, 2007.

**Section 1060.10 Purpose**

~~The State Finance Act~~~~An Act in relation to State finance (Ill. Rev. Stat. 1983, ch. 127, par. 149.2)~~ requires that ~~transfers among appropriations made to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Mathematics and Science Academy~~ ~~the several universities and colleges under the governance of the Board of Governors of State Colleges and Universities, the several Regency Universities under the jurisdiction of the Board of Regents, and the Board of Higher Education~~ require the approval of the Board of Higher Education and the Governor [30 ILCS 105/13.2(d)]. This Part implements the Board's responsibility to approve such transfers.

(Source: Amended at 31 Ill. Reg. 12580, effective August 16, 2007)

**Section 1060.15 Definitions**

"Board" means the Board of Higher Education.

"Governing Board" means the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University or the Board of Trustees of the Illinois Mathematics and Science Academy.

(Source: Added at 31 Ill. Reg. 12580, effective August 16, 2007)

**Section 1060.20 Criteria for Approval**

The following criteria will form the basis for Board approval of transfers among line item appropriations:

- a) Sufficient funds must be available to cover the amount of the transfer.
- b) Transfer requests~~Transfers~~ must have governing board approval. ~~(See definition of governing board in 23 Ill. Adm. Code 1040.20.)~~
- c) A rationale for the transfer must be provided. Transfers will be approved if the requirements of the State Finance Act [30 ILCS 105/13.2]~~Section 13.2 of Ill. Rev. Stat. 1983, ch. 127, par. 149.2~~ are met.

(Source: Amended at 31 Ill. Reg. 12580, effective August 16, 2007)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Child Care
  - 2) Code Citation: 89 Ill. Adm. Code 50
  - 3) Section Number: 50.410                      Adopted Action:  
Amendment
  - 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
  - 5) Effective Date of Amendment: August 20, 2007
  - 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: 31 Ill. Reg. 5393; April 6, 2007
  - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
  - 11) Differences between proposal and final version: No substantive changes were made in the text of the proposed amendment.
  - 12) Have all 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
- |                                  |                                      |  |
|----------------------------------|--------------------------------------|--|
| <u>Section Number:</u><br>50.230 | <u>Proposed Action:</u><br>Amendment | <u>Illinois Register Citation:</u><br>31 Ill. Reg. 11018; August 3, 2007 |
|----------------------------------|--------------------------------------|--|
- 15) Summary and purpose of rulemaking: This rulemaking affects Human Capital Development. In May 2005, DHS convened the Program Accountability and Efficiencies Work Group comprised of various child care stakeholders and DHS staff to identify ways

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

to maximize efficiency and maintain a high level of accountability in the Child Care Assistance Program. Director Arnold charged the group to seek program savings that would not erect barriers or deny eligible families access to the program. As a result, a recommendation was made which provides that all license-exempt child care providers register with their respective Child Care Resource and Referral Agency by providing a copy of their social security card and a valid state ID.

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50  
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

## Section

50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

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

**SOURCE:** Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007.

## SUBPART D: CHILD CARE ABUSE AND NEGLECT

**Section 50.410 Provider Eligibility**

- a) As a condition of eligibility to receive a state subsidy for providing child care

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

services to eligible families, all license exempt child care providers under the Child Care Act of 1969 [225 ILCS 10] must agree, in writing, to a CANTS check in the Central Register as defined in the Abused and Neglected Child Reporting Act [325 ILCS 5].

- ~~1)b)~~ Providers subject to the CANTS check include:
- ~~A)1)~~ Child care centers exempt from licensing;
  - ~~B)2)~~ Child care homes exempt from licensing;
  - ~~C)3)~~ Relative child care in the home of the relative;
  - ~~D)4)~~ Non-relative child care in the home of the child; and
  - ~~E)5)~~ Relative child care in the home of the child.
- ~~2)e)~~ All staff at a child care center and all persons age 13 and older at child care homes or child care in the home of a relative are subject to CANTS check.
- ~~3)d)~~ Providers and individuals who are not indicated in the Central Register must agree, in writing, to a CANTS check every two years.
- b) All license exempt home providers listed in subsections (a)(1)(B) through (a)(1)(E) of this Section must register with the State of Illinois by submitting to their respective Child Care Resource and Referral Agency a legible copy of their social security card and a copy of the front and back of a current, valid State issued photo ID, driver's license or military ID. If the provider's social security card has been lost or stolen, the provider must obtain a duplicate card from the Social Security Administration. The registration process must be completed before a provider will be authorized to receive child care assistance payments.
- c) A child care center not licensed by the State of Illinois must certify its program is exempt from licensure by submitting a License Exempt Day Care Center Self-Certification form.

(Source: Amended at 31 Ill. Reg. 12584, effective August 20, 2007)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
553.30	Amendment
553.31	Amendment
553.40	Amendment
553.50	Amendment
553.130	Amendment
553.140	Amendment
553.150	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) Effective Date of Amendments: August 16, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 31 Ill. Reg. 2725; February 16, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 553.30(a), added "to" after "and" in the first sentence.

In Section 553.130(a)(3), deleted the comma after "and" and added a semi-colon after "disabilities".

In Section 553.140(a)(1), added a comma after "disabilities", and changed "cause" to "causes".

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

In Section 553.140(a)(1), changed "are" to "is" and added a comma after "limited to".

In Section 553.140(a)(2), added a comma after "disabilities".

In Section 553.140(b)(1)(A), changed the comma to a semi-colon at the end of the sentence.

In Section 553.140(b)(2), added "must" before "require".

In Section 553.140(b)(3), added "must" before "require".

In Section 553.150(a)(1), added a comma after "standing".

In Section 553.150(a)(4), changed "which" to "that".

In Section 553.150(a)(4), added a comma after "skills".

In Section 553.150(a)(5), added a comma after "question".

In Section 553.150(c), deleted "that" after "means".

In Section 553.150(c), deleted the comma after "functioning".

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking updates language in Section 553.130 regarding the Order of Selection. In Section 553.140, the documentation that must be included in an individual's case file has been revised. Documentation of the determination that an individual has a most significant disability, a very significant disability, or a significant disability must be in the vocational rehabilitation (VR) case file, as well as an evaluation for his or her rehabilitation potential. Additionally, the Department is making changes to Section 553.150, Determination of Serious Limitation

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

to Functional Capacities. This rulemaking also updates all references to the agency as DHS-ORS to DHS-DRS.

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

## SUBCHAPTER b: VOCATIONAL REHABILITATION

## PART 553

## ASSESSMENT FOR DETERMINING ELIGIBILITY AND REHABILITATION NEEDS

## Section

553.10	General Applicability (Repealed)
553.20	Basis for Eligibility
553.25	Disability Documentation
553.30	Presumption of Benefit from Vocational Rehabilitation Services
553.31	Trial Work Experiences
553.32	Outcome of Trial Work Experiences
553.35	Services to Non-United States Citizens
553.40	Eligibility Determination Time Frames
553.50	Eligibility Determination
553.60	Documentation of Eligibility Factors/Preliminary Assessment (Repealed)
553.70	Certification of Eligibility (Repealed)
553.75	Trial Work (Repealed)
553.76	Outcome of Trial Work (Repealed)
553.80	Extended Evaluation (Repealed)
553.90	Outcome of Extended Evaluation (Repealed)
553.100	Assessment
553.105	Assistance in Attaining Necessary Financial Support (Repealed)
553.110	Outcome of the Assessment of Rehabilitation Needs (Repealed)
553.120	Change in Eligibility Status (Repealed)
553.130	Order of Selection
553.140	Criteria for Most Significant Disability and Very Significant Disability and Significant Disability
553.150	Determination of Serious Limitation to Functional Capacities

**AUTHORITY:** Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

**SOURCE:** Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency expired on December 15, 1996; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; emergency expired on January 13, 1997; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1368, effective January 14, 1999; emergency amendment at 23 Ill. Reg. 6544, effective May 17, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12440, effective September 28, 1999; amended at 23 Ill. Reg. 13222, effective October 18, 1999; amended at 25 Ill. Reg. 11842, effective August 31, 2001; amended at 29 Ill. Reg. 12845, effective August 8, 2005; amended at 30 Ill. Reg. 7754, effective April 6, 2006; amended at 31 Ill. Reg. 12589, effective August 16, 2007.

**Section 553.30 Presumption of Benefit from Vocational Rehabilitation Services**

- a) Any individual with a disability is presumed to be able to benefit from VR services and ~~to be being~~ capable of achieving a successful employment outcome. This presumption shall continue unless ~~DHS-DRS DHS-ORS~~ can demonstrate through clear and convincing evidence that the individual is incapable of ~~benefiting~~~~benefitting~~ from VR services and becoming successfully employed.
- b) Prior to the determination that the individual is incapable of ~~benefiting~~~~benefitting~~ from VR services because of the significance of the disability, the individual must be provided a period of trial work pursuant to 89 Ill. Adm. Code 553.31.

(Source: Amended at 31 Ill. Reg. 12589, effective August 16, 2007)

**Section 553.31 Trial Work Experiences**

- a) ~~DHS-DRSORS~~ shall provide trial work experience by conducting explorations of a customer's abilities, capabilities and capacity to perform in realistic work situations. Trial work experience shall include one or more work settings and be of sufficient variety and over a sufficient period of time to determine whether the individual can or cannot benefit from VR services. Trial work experiences may include supported employment, on-the-job training and other experiences using realistic work settings in the most integrated settings possible. Other examples may include internships, job shadowing, structured volunteer experiences in real work settings and community-based assessments.
- b) Under limited circumstances, if an individual cannot take advantage of other trial

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

work experiences, or if options for trial work experiences have been exhausted before the determination of eligibility has been made, DHS-~~DRSORS~~ shall conduct an extended evaluation to make the determination.

- c) DHS-~~DRSORS~~ shall develop a written Trial Work Plan to periodically assess the individual's abilities, capabilities and capacity to perform in trial work experiences.
- d) During the time that the trial work experience is being provided, DHS-~~DRSORS~~ shall provide appropriate support services to accommodate the vocational rehabilitation needs of the individual.
- e) The trial work experience must be undertaken consistent with the informed choice and rehabilitation needs of the individual.
- f) The trial work experience of the individual shall continue until one of the outcomes described in Section 553.32 is met.

(Source: Amended at 31 Ill. Reg. 12589, effective August 16, 2007)

**Section 553.40 Eligibility Determination Time Frames**

After receiving a completed application for VR services, DHS-~~DRSORS~~ shall make an eligibility determination and determine the individual's priority to receive services under the Order of Selection within a reasonable time period, not to exceed 60 calendar days from the date the individual applies for services unless:

- a) DHS-~~DRSORS~~ notifies the individual that exceptional and unforeseen circumstances beyond DHS-~~DRSORS~~ control preclude DHS-~~DRSORS~~ from completing a timely determination and the individual agrees to an extension; or
- b) DHS-~~DRSORS~~ determines, on the basis of the criteria set forth at 89 Ill. Adm. Code 553.30, that a period of trial work is necessary pursuant to 89 Ill. Adm. Code 553.31.

(Source: Amended at 31 Ill. Reg. 12589, effective August 16, 2007)

**Section 553.50 Eligibility Determination**

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Prior to the end of the eligibility determination period (i.e., 60 days), one of the following must occur:

- a) the customer has been determined to be eligible to receive VR services and has a disability that will allow services to be provided under the Order of Selection and has an employment outcome consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice. At this time a Certification of Eligibility shall be completed. The customer will then undergo an Assessment pursuant to Section 553.100 of this Part;
- b) the customer is determined eligible but not to have a disability that allows services to be provided under the Order of Selection (Section 553.130). The customer will be offered the option to have his or/ her name placed on a waiting list to wait until services can be provided to the priority category established under the Order of Selection or to have his or/ her case closed. The customer shall be referred to other agencies that can provide services, i.e. a comprehensive one-stop center, a private rehabilitation agency, a community rehabilitation program, a Center for Independent Living, etc.;
- c) a trial work period is determined to be necessary. The Written Trial Work Plan shall be completed and the trial work shall begin;
- d) the customer does not meet the required eligibility criteria (see Section 553.20). A Certification of Ineligibility shall be completed and the individual's case closed;  
or
- e) the customer's case is closed for reasons other than ineligibility (e.g., the customer has refused services or further services from DHS-DRSORS, the customer cannot be located).

(Source: Amended at 31 Ill. Reg. 12589, effective August 16, 2007)

**Section 553.130 Order of Selection**

- a) Pursuant to the provisions of the Rehabilitation Act of 1973, as amended (29 USC 701 et seq.), DHS-DRSORS has established the following Order of Selection ~~for~~ for the priority ~~for the~~ provision of services to eligible individuals, which counselors must follow when serving customers:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) those individuals determined to have the most significant disabilities;
  - 2) those individuals determined to have very significant disabilities; ~~and~~
  - 3) individuals determined to have significant disabilities; ~~and-~~
  - 4) individuals determined to have disabilities.
- b) For the purposes of administering services under the Order of Selection, ~~the Director of DHS-DRS~~ DHS/ORS will determine at the beginning of each fiscal year, or more often as necessary, which of the categories under subsection (a) will be open for service. ~~has determined that current funding levels allow services to be provided to eligible individuals in the categories established in subsections (a)(1) and (2).~~
- c) Eligible individuals in a closed category under subsection (a)(~~3~~) may choose to be placed on a waiting list for services. (See Section 553.50(b).)

(Source: Amended at 31 Ill. Reg. 12589, effective August 16, 2007)

### Section 553.140 Criteria for Most Significant Disability and Very Significant Disability and Significant Disability

Documentation of the determination that ~~an~~ the individual has a most significant disability, a very significant disability, or a significant disability must be in the individual's VR case file, as well as documentation concerning the evaluation of his or her rehabilitation potential.

- a) Prior to determining the significance of an individual's disability, it must be determined that he or she:
  - 1) has a disability, or a combination of disabilities, that causes a substantial physical or mental impairment that is similar, but not limited to, the following list of disabilities:
    - a) ~~An individual who has been determined pursuant to Title II (SSDI) or Title XVI (SSI) to be eligible for disability benefits shall be considered an individual with a most significant disability.~~
    - b) ~~Otherwise, to be considered an individual with a most significant disability, the~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

~~individual must have a disability that is determined by the rehabilitation counselor/instructor to meet the following criteria:~~

- 1) ~~The disability seriously limits three or more of the individual's functional capacities, as listed in Section 553.150 of this Part;~~
- 2) ~~The individual has a disability or combination of disabilities determined by an evaluation of rehabilitation potential to cause a substantial physical or mental impairment similar, but not limited to the following list of disabilities~~
  - A) amputation,
  - B) arthritis,
  - C) autism,
  - D) blindness,
  - E) burn injury,
  - F) cancer,
  - G) cerebral palsy,
  - H) cystic fibrosis,
  - I) deafness,
  - J) head injury,
  - K) heart disease,
  - L) hemiplegia,
  - M) hemophilia,
  - N) respiratory or pulmonary dysfunction,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- O) mental retardation,
  - P) mental illness,
  - Q) multiple sclerosis,
  - R) muscular dystrophy,
  - S) musculo-skeletal disorders,
  - T) neurological disorders (including stroke and epilepsy),
  - U) paraplegia,
  - V) quadriplegia (and other spinal cord conditions),
  - W) sickle cell anemia,
  - X) specific learning disabilities, or
  - Y) end stage renal failure disease;
- 23) ~~has a disability, or a combination of disabilities, that seriously limits his or her functional capacities, as listed in Section 553.150 of this Part; and The individual requires two or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure the individual a successful employment outcome; and~~
- 34) ~~requires VR services will be required over an extended period of time at least six months or longer.~~
- b) If an individual meets the requirements of Section 553.140(a), then the following criteria must be met to determine the significance of his or her disability:
- 1) To be considered an individual with a most significant disability, he or she must:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- A) be an individual who has been determined eligible for disability benefits pursuant to Title II (SSDI) or Title XVI (SSI) of the Social Security Act; or
- B) be an individual who has a disability that seriously limits three or more of his or her functional capacities and who requires two or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure a successful employment outcome.
- 2)e) To be considered an individual with a very significant disability, he or she~~the individual~~ must have a disability that seriously limits two of his or her functional capacities, ~~as listed in Section 553.150 of this Part,~~ and must require one or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure ~~the individual~~ a successful employment outcome.
- 3)d) To be considered an individual with a significant disability, he or she~~the individual~~ must have a disability that seriously limits one of his or her functional capacities ~~as listed in Section 553.150 of this Part,~~ and must require one or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure ~~the individual~~ a successful employment outcome.

(Source: Amended at 31 Ill. Reg. 12589, effective August 16, 2007)

**Section 553.150 Determination of Serious Limitation to Functional Capacities**

- a) For the purpose of determination of the degree of significance of disability ~~significant and most significant disabilities~~, functional capacities shall include:
- 1) mobility – the physical ability of an individual to move from place to place and move the body into certain positions. This includes such activities as: (e.g., walking, climbing, kneeling, stooping, sitting, standing, and similar activities);
  - 2) self-care – the ability of an individual to perform activities related to his or/ her health and hygiene. This includes such activities as: (e.g., grooming, bathing, eating, house keeping, medical management, and

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

money management);

- 3) self-direction – the ability of an individual to organize, control and regulate his or her own personal, social, and work life. This includes such activities as: maintaining (i.e., maintain schedules and routines, following directions and established rules, organizing activities for oneself, and adjusting to changing circumstances ~~organizational skills, etc.);~~
- 4) work skills – the ability of an individual to demonstrate skills necessary to perform jobs that ~~which~~ exist in the current employment market, regardless of demand for the particular occupation or the individual's prior work experience. This includes such activities as: learning (e.g., learn and maintaining ~~maintain~~ work skills, cooperating ~~cooperate~~ with others in a work setting, using ~~use~~ adequate decision making and problem solving skills, and using academic skills commonly required in the workplace);
- 5) work tolerance – the ability of an individual to consistently and adequately perform a job based on the physical, emotional, environmental, and psychological demands of a specific work environment. This includes such activities as: maintaining the position (e.g., performance on the job regardless of is not adversely affected by changes in environment such as cold and heat, demonstrating ~~has~~ the strength and endurance to perform the job in question, and working the schedule typical of other employees in the same job);
- 6) interpersonal skills – the ability of an individual to establish and maintain appropriate relationships with other individuals in the work place. This includes such activities as: engaging in (e.g., necessary work-related communications, demonstrating behavior that is appropriate and acceptable in the work environment ~~behavior~~, cooperating with others ~~ability to cooperate~~ in a team setting, and showing understanding and, tact in dealing with others); and
- 7) communication – the ability to convey and receive information efficiently and effectively. This includes such activities as: hearing (e.g., ability to hear and understanding ~~understand~~ ordinary spoken language; making ~~ability to make~~ one's self understood in ordinary conversation; writing or printing ~~ability to write or print~~ short notes and communications;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

and ~~reading and correctly interpreting~~ability to read and correctly interpret short notes, signs, and instructions).

- b) A serious limitation to a functional capacity shall exist when it is determined by the rehabilitation counselor ~~or~~/ instructor that the customer, because of his ~~or~~/ her disability, has functional limitations in performing the major components of the activity or activities listed in subsections (a)(1) through (7) or needs accommodation to perform the activity.
- c) The rehabilitation counselor or instructor shall use the criteria of consistency and substantiality when evaluating the degree of limitation to functional capacity. Consistency means that the individual's disability always or almost always limits the individual's functioning. Substantiality means the individual's disability has a major, significant impact on functioning and that the individual cannot perform the activity or finds it very difficult to perform the activity.

(Source: Amended at 31 Ill. Reg. 12589, effective August 16, 2007)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 676
- 3) Section Number: 676.40                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) Effective Date of Amendment: August 16, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 31 Ill. Reg. 4961; March 30, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Several nonsubstantive grammatical changes were made throughout the rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking pertains to the Division of Rehabilitation, Home Services Program and revises the definitions for assistive equipment and environmental modifications in the Service Description section so that the rules are more consistent with current policies, practices and procedures.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAMPART 676  
PROGRAM DESCRIPTION

## SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
676.10	Program Purpose and Types
676.20	General Program Accessibility
676.30	Definitions
676.40	Service Description

## SUBPART B: CASE MANAGEMENT

Section	
676.100	Case Files (Repealed)
676.110	Sharing of Customer Information Between HSP and Other DHS Programs
676.120	Documentation of Information
676.130	Customer Signatures and Information Required to Receive Services Under the HSP
676.140	Application by DHS-ORS Employees, Individuals Holding Contracts with DHS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees, or Close Friends of DHS-ORS Employees
676.150	Geographic Case Assignment

## SUBPART C: VENDOR PAYMENT

Section	
676.200	Vendor Payment
676.210	Reporting and Collection of Misspent Funds

## SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DoA)

Section	
676.300	Criteria for Referral to DoA
676.310	Disposition of Cases not Appropriate for Referral to DoA

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

**SOURCE:** Adopted at 19 Ill. Reg. 5095, effective March 21, 1995; amended at 20 Ill. Reg. 6315, effective April 18, 1996; amended at 21 Ill. Reg. 2678, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 19563, effective October 23, 1998; amended at 23 Ill. Reg. 6445, effective May 17, 1999; amended at 23 Ill. Reg. 13874, effective November 8, 1999; amended at 24 Ill. Reg. 2681, effective February 2, 2000; amended at 28 Ill. Reg. 6445, effective April 8, 2004; amended at 31 Ill. Reg. 12602, effective August 16, 2007.

## SUBPART A: GENERAL PROGRAM PROVISIONS

**Section 676.40 Service Description**

The following is a listing of the services available through HSP. The service level, combination of services, and amount of services for which a customer is eligible is dependent upon the needs of the customer as determined during the determination of eligibility (see 89 Ill. Adm. Code 682).

- a) Personal Assistant (PA) Services – services provided by an individual employed by the customer. HSP Services provided by a PA must be approved by the customer's physician.
- b) Adult Day Care (ADC) Services – direct care and monitoring of customers in a community-based setting for any portion of a 24-hour day for the purpose of promoting social, physical, and emotional health and well being and offering an alternative to an institutional setting. ADC services are provided only when the social, emotional, and physical needs of the customer cannot be met in the home through other available services.
- c) Homemaker Services – general support provided by trained and professionally supervised individuals to maintain, strengthen, and safeguard the functioning of an individual in his/her home when no responsible person is available or capable of monitoring such services. Such services include the actual completion of, and the training in, completion of ADLs.
- d) Maintenance Home Health Services – services provided for a customer, in his/her

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

home, in accordance with a care plan prescribed or recommended by a physician or other health care professional. These services include three basic categories of care, which are:

- 1) direct health care provided by a registered nurse (RN) and/or a licensed practical nurse (LPN);
  - 2) direct health care provided by a Certified Nurse Aid (CNA) who is supervised by a RN or LPN; and
  - 3) in-home therapy, including the areas of physical, occupational and speech therapy.
- e) Home Delivered Meals – prepared food brought to the customer's home. Usually, home delivered meals consist of a hot lunch and a smaller dinner meal that may be refrigerated and eaten later. These services are provided when available and when they are more cost effective than PA services for an eligible individual who has a need for care in the area of meal preparation but who can adequately feed him/herself.
- f) Electronic Home Response Services (EHRS) – a 24-hour per day emergency communication link to assistance outside the customer's home for customers who have no other persons available for assistance should an emergency arise.
- g) Assistive Equipment – items necessary to accommodate the customer's loss of function in the completion of his/her Activities of Daily Living (ADLs). This does not include medical supplies, disposable personal hygiene items, or items necessary for medical treatment. (See 89 Ill. Adm. Code 686, Subpart H.)~~items with a useful life of at least one year expressly designed and used by a customer to increase his/her independence in completion of his/her ADLs. When provided, assistive equipment must result in a current or anticipated decrease in, or the elimination of, any need for assistance from another individual in the completion of ADLs. Assistive equipment may be purchased, rented, or repaired, depending on the needs and anticipated needs of the customer.~~
- h) Environmental Modification – services to physically modify the customer's home to accommodate the customer's loss of function in the completion of his/her ADLs. (See 89 Ill. Adm. Code 686, Subpart G.)~~change the customer's home so that he/she may be more independent in the completion of his/her ADLs.~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

~~Provision of environmental modification services must result in a decrease in, or elimination of, assistance from another individual in the completion of ADLs.~~

- i) Respite Services – limited PA, Homemaker, and Maintenance Home Health services provided to a customer to provide for his/her ADLs during periods of time it is necessary for the family/primary care giver to be absent. Respite services are provided to a customer to allow the family/primary care giver relief for vacations, rest, errands, family crises and emergency situations. Respite services are provided in the maximum amount of 240 hours per calendar year and are provided regardless of financial need.
- j) Day Habilitation Services – assistance provided to a person with a brain injury to assist with the acquisition, retention and improvement in self-help, socialization and adaptive skills. These services are provided in a setting separate from the residence in which the customer is residing.
- k) Pre-Vocational Services – services provided to a person with a brain injury that are aimed at preparing the individual for paid or unpaid employment, but are not job task oriented. Specific services include teaching concepts such as compliance, attendance, task completion, problem solving and safety.
- l) Supported Employment Services – services provided to a customer with a brain injury, which consist of paid employment for persons for whom competitive employment is unlikely, who because of his or her disabilities need intensive, ongoing support to perform in a work setting. Supported Employment includes, but is not limited to, activities needed to sustain the customer in supported employment (i.e., supervision and training).
- m) Behavioral Services – remedial therapies provided to a person with a brain injury to decrease the individual's severe maladaptive behaviors. These services are intended to enable the customer to better manage his or her behavior and therefore be more capable of living independently.

(Source: Amended at 31 Ill. Reg. 12602, effective August 16, 2007)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE A      Emergency Action: Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 5) Effective Date of Amendment: August 16, 2007
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment is not to expire prior to the end of the 150-day period unless the accompanying proposed amendment is adopted prior to the end of the 150-day period.
- 7) Date filed with the Index Department: August 16, 2007
- 8) This and other Pay Plan amendments are on file and available in the Division of Technical Services and Agency Training and Development of the Bureau of Personnel.
- 9) Reasons for Emergency: The reason for the emergency amendment is to ensure that the State employees who are subject to the Personnel Code [20 ILCS 415] and that the Illinois Labor Relations Board classified as conservation police lieutenants and certified as represented by the RC-104 bargaining unit are known to be immediately extended the Pay Plan provisions that were not negotiated in the Memorandum of Agreement as provided in Illinois Public Labor Relations Act [5 ILCS 315].
- 10) A Complete Description of the Subjects and Issues Involved: The Memorandum of Agreement between the Departments of Central Management Services and Natural Resources and the Laborers' International Union of North America - Illinois State Employees Association, Local 2002 and the Southern and Central Illinois Laborers' District Council was signed March 22, 2007. Effective February 1, 2007, the Conservation Police Lieutenant title was represented by the RC-104 bargaining unit and rates were assigned.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

In the Table of Contents, the Section 310.Appendix A Table A heading is changed to better describe the bargaining unit given the additional title represented by the bargaining unit.

In Section 310.Appendix A Table A, the heading is changed to better describe the bargaining unit given the additional title represented by the bargaining unit. The Conservation Police Lieutenant title, its title code, bargaining unit and Pay Plan Code are added to the title table. The title's step and longevity rates are added to the rate tables effective July 1, 2007 and January 1, 2008. The rates assigned to the Conservation Police Lieutenant title are:

**Effective July 1, 2007**

S T E P S						
1	2	3	4	5	6	7
4407	4632	4856	5081	5316	5565	5565

**Longevity Bonus Rates**

9	10	12.5	14	15	17.5	20	21	22.5	25
Yrs									
5824	6161	6311	6311	6609	6920	7254	7322	7666	8027

**Effective January 1, 2008**

S T E P S						
1	2	3	4	5	6	7
4671	4910	5147	5386	5635	5899	5899

**Longevity Bonus Rates**

9	10	12.5	14	15	17.5	20	21	22.5	25
Yrs									
6173	6531	6690	6690	7006	7335	7689	7761	8126	8509

11) Are there any proposed amendments to this Part pending? Yes

Section Numbers:

310.50  
310.100  
310.280  
310.290

Proposed Action:

Amendment  
Amendment  
Amendment  
Amendment

Ill. Reg. Citation:

30 Ill. Reg. 15240; 9/29/06  
30 Ill. Reg. 15240; 9/29/06  
30 Ill. Reg. 15240; 9/29/06  
30 Ill. Reg. 15240; 9/29/06

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

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
310.45	Amendment	31 Ill. Reg. 9660, 7/13/07
310.50	Amendment	31 Ill. Reg. 9660, 7/13/07
310.80	Amendment	31 Ill. Reg. 9660, 7/13/07
310.90	Amendment	31 Ill. Reg. 9660, 7/13/07
310.100	Amendment	31 Ill. Reg. 9660, 7/13/07
310.410	Amendment	31 Ill. Reg. 9660, 7/13/07
310.450	Amendment	31 Ill. Reg. 9660, 7/13/07
310.460	Amendment	31 Ill. Reg. 9660, 7/13/07
310.470	Amendment	31 Ill. Reg. 9660, 7/13/07
310.480	Amendment	31 Ill. Reg. 9660, 7/13/07
310.490	Amendment	31 Ill. Reg. 9660, 7/13/07
310.495	Amendment	31 Ill. Reg. 9660, 7/13/07
310.500	Amendment	31 Ill. Reg. 9660, 7/13/07
310.APPENDIX A TABLE E	Amendment	31 Ill. Reg. 9660, 7/13/07
310.APPENDIX A TABLE F	Amendment	31 Ill. Reg. 9660, 7/13/07

12) Statement of Statewide Policy Objectives: This emergency amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.

13) Information and questions regarding this emergency amendment shall be directed to:

Mr. Jason Doggett  
 Manager  
 Compensation Section  
 Division of Technical Services and Agency Training and Development

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

Telephone: 217/782-7964  
Fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

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
310.47	In-Hiring Rate
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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate
310.295	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 and Bonuses
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 and Bonus 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	RC-104 (Conservation Police <u>SupervisorsSergeants</u> , Laborers' - ISEA Local #2002)
	<u>EMERGENCY</u>
310.TABLE B	VR-706 (Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

310.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
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].

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

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. 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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE A RC-104 (Conservation Police Supervisors Sergeants, Laborers' - ISEA Local #2002)  
EMERGENCY**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Conservation Police Sergeant	09347	RC-104	Q
<u>Conservation Police Lieutenant</u>	<u>09340</u>	<u>RC-104</u>	<u>Q</u>

**Effective July 1, 2007**

<u>Title</u>	S T E P S						
	1	2	3	4	5	6	7
<u>Conservation Police Sergeant</u>	4321	4542	4762	4983	5214	5458	5458
<u>Conservation Police Lieutenant</u>	<u>4407</u>	<u>4632</u>	<u>4856</u>	<u>5081</u>	<u>5316</u>	<u>5565</u>	<u>5565</u>

**Longevity Bonus Rates**

<u>Title</u>	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
<u>Conservation Police Sergeant</u>	5712	6042	6190	6190	6482	6786	7114	7182	7518	7873
<u>Conservation Police Lieutenant</u>	<u>5824</u>	<u>6161</u>	<u>6311</u>	<u>6311</u>	<u>6609</u>	<u>6920</u>	<u>7254</u>	<u>7322</u>	<u>7666</u>	<u>8027</u>

**Effective January 1, 2008**

<u>Title</u>	S T E P S						
	1	2	3	4	5	6	7
<u>Conservation Police Sergeant</u>	4537	4769	5000	5232	5475	5731	5731
<u>Conservation Police Lieutenant</u>	<u>4671</u>	<u>4910</u>	<u>5147</u>	<u>5386</u>	<u>5635</u>	<u>5899</u>	<u>5899</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

**Longevity Bonus Rates**

<u>Title</u>	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
<u>Conservation Police</u>										
<u>Sergeant</u>	5998	6344	6500	6500	6806	7125	7470	7541	7894	8267
<u>Conservation Police</u>										
<u>Lieutenant</u>	<u>6173</u>	<u>6531</u>	<u>6690</u>	<u>6690</u>	<u>7006</u>	<u>7335</u>	<u>7689</u>	<u>7761</u>	<u>8126</u>	<u>8509</u>

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
125.190	Amendment
125.200	Amendment
125.270	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute that Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 71 FR 43958
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: August 20, 2007
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.  

The Food Safety and Inspection Service (FSIS) is affirming, with changes, the interim final rule "Prohibition of the use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Cattle," which was published in the *Federal Register* on January 12, 2004. The Agency is also affirming the interim final rule "Prohibition of the use of Certain Stunning Devices Used to Immobilize Cattle During Slaughter," also published on January 12, 2004. FSIS issued these interim final rules in response to the confirmation on December 23, 2003, of bovine spongiform encephalopathy (BSE) in an imported dairy cow in Washington State. FSIS is taking this action to make permanent interim measures implemented by the Agency to minimize human exposure to cattle materials that could potentially contain the BSE agent.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: August 17, 2007

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

- 10) A copy of the preemptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) These preemptory amendments are in compliance with Section 5-150 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed rulemakings pending on this Part? No
- 13) Statement of Statewide Policy Objectives: These preemptory amendments do not affect units of local government.
- 14) Information and questions regarding these preemptory amendments shall be directed to:

Linda Rhodes  
Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield IL 62794-9281

Telephone: 217/785-5713  
Facsimile: 217/785-4505

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

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125  
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH  
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice

## SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

## SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

**AUTHORITY:** Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

**SOURCE:** Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15,

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007.

## SUBPART B: MEAT INSPECTION

**Section 125.190 Ante-Mortem Inspection**

- a) The Department incorporates by reference 9 CFR 309.1 through 309.4(a), 309.5 through 309.11, and 309.13 through 309.18 (2004; 69 FR 1862, effective January 12, 2004; [72 FR 38700, effective October 1, 2007](#)).
- b) In cases of emergency slaughter (see 9 CFR 311.27) and where the inspector cannot be contacted or is unable to return to the establishment, the owner of the animal shall obtain the services of a licensed veterinarian who shall perform an ante-mortem examination on the animal. If upon examination the animal shows no symptoms of disease or abnormal conditions that would prohibit its intended use as human food in accordance with the provisions of this Section, the veterinarian shall prepare a written statement to the effect that the animal is in compliance with ante-mortem requirements of this Section and can be slaughtered at the official establishment. The veterinarian's statement shall be kept on file by

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

the official establishment in accordance with Section 125.100. The costs of the veterinary services shall be borne by the owner of the animal.

- c) The Department shall approve treatment programs for diseased animals providing the licensee provides the necessary holding pens where such animals can be kept apart from the other livestock awaiting slaughter and the owner of the animal(s) agrees to the treatment and assumes the cost of such treatment. Following treatment, the animal shall be released from slaughter at the request of the owner or of the official establishment and permitted to be transported from the establishment provided the animal was not infected with a reportable disease (see Section 125.130).
- d) An animal found in a comatose or semicomatose condition shall be set apart from the other livestock and held for further observation at the request of the owner or the official establishment.
- e) "Other responsible official supervision" shall mean under the supervision of a licensed veterinarian or a program employee of the U.S. Department of Agriculture.
- f) At the option of the owner of the animal, any animal identified as a suspect may be reinspected by a veterinarian as set forth in Section 9 of the Act or the animal shall be slaughtered and identified in accordance with the provisions of this Section.
- g) An animal will be withheld from slaughter to permit biological residues to be reduced in accordance with 9 CFR 309.16 when the owner informs the inspector that the animal was taking chemicals or biologics or there is evidence to suggest that the animal was taking chemicals or biologics (e.g., injection marks, chemical odor). The time period for holding such animal shall depend on the withdrawal period of the chemical or biologic that was administered the animal. The inspector shall permit the slaughter of such animal (see 9 CFR 309.16a) when requested by the official establishment or by the owner of the animal.
- h) The inspector shall approve the use by any establishment of any skin tattoo that contains a number identifying the animal or lot. The identifying number for the skin tattoo shall be assigned by the inspector.
- i) Reference to federal form FSIS 6150-1 shall mean Illinois form V-3. References

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.

(Source: Amended by peremptory rulemaking at 31 Ill. Reg. 12624, effective August 20, 2007)

**Section 125.200 Post-Mortem Inspection**

- a) The Department incorporates by reference 9 CFR 310.1(a) and 310.2 through 310.23 (2004; 69 FR 1862 and 69 FR 1885, effective January 12, 2004; 70 FR 53043, effective October 7, 2005; [72 FR 38700, effective October 1, 2007](#)), except that the preparation of meat and meat products for nonhuman food purposes (e.g., dog food) is not permitted at an official establishment. The preparation of nonhuman food products must be done in establishments licensed under the Illinois Dead Animal Disposal Act. The Department incorporates by reference 9 CFR 310.25 (1999; 64 FR 66553, effective November 29, 1999); the E. coli process control testing regulations set forth in 9 CFR 310.25(a) will be applicable on October 1, 1997, and the Salmonella pathogen reduction performance standards regulations set forth in 9 CFR 310.25(b) will be applicable simultaneously with applicability dates for implementation of HACCP in Section 125.142.
- b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310.1(a) shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.
- c) In the case of emergency slaughter and where a veterinarian was obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified as set forth in 9 CFR 310.2 and held for the inspector. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.
- d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.
- e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of an official establishment for handling devices shall be

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

approved if such method will accomplish the specific provisions as stated in that paragraph.

- f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.
- g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.
- h) References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- i) Facilities for handling and inspecting cow udders shall be as set forth in 9 CFR 416 (incorporated in Section 125.141).

(Source: Amended by peremptory rulemaking at 31 Ill. Reg. 12624, effective August 20, 2007)

**Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product**

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.6, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.24, 318.300 through 318.311 (2004; 69 FR 1862 and 69 FR 1874, effective January 12, 2004; 70 FR 53043, effective October 7, 2005; [72 FR 38700, effective October 1, 2007](#)).
- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.
- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) References within the incorporated language to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and [Section paragraph 23\(a\)](#) of the Act shall be interpreted to mean in accordance with the Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

- k) Disinfectants shall be those as set forth in Section 125.180.
- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Amended by peremptory rulemaking at 31 Ill. Reg. 12624, effective August 20, 2007)

## SECRETARY OF STATE

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part for which proposed rulemaking is being corrected: Commercial Driver Training Schools
- 2) Code Citation: 92 Ill. Adm. Code 1060
- 3) Illinois Register citation to Notice of Proposed Amendments: 31 Ill. Reg. 11509; August 10, 2007
- 4) Sections being corrected:

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1060.5	Amendment
1060.20	Amendment
1060.50	Amendment
1060.100	Amendment
1060.120	Amendment
1060.180	Amendment
1060.200	Amendment
- 5) Correction being made: Notice page - (13) Initial Regulatory Flexibility Analysis:
  - (A) Types of small businesses, small municipalities and not for profit corporations affected: Commercial driving school owners may be affected, as they are prohibited from obtaining or maintaining a driver training instructor's license if they are currently an administrator and/or teacher of a State-approved high school driver education program.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notice was received by the Joint Committee on Administrative Rules during the period of August 14, 2007 through August 20, 2007 and has been scheduled for review by the Committee at its September 11, 2007 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/30/07	<u>Office of the State Fire Marshal</u> , School Plan Reviews and inspections (41 Ill. Adm. Code 111)	6/22/07 31 Ill. Reg. 8611	9/11/07

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 35 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

80 - 310	.....	12384
35 - 951	.....	12388
35 - 952	.....	12411
17 - 1580	.....	12445
86 - 100	.....	12449
23 - 3030	.....	12463
23 - 3035	.....	12499
23 - 3040	.....	12528
23 - 3060	.....	12546
23 - 3070	.....	12567
26 - 207	.....	12576

## ADOPTED RULES

23 - 1060	08/16/2007.....	12580
89 - 50	08/20/2007.....	12584
89 - 553	08/16/2007.....	12589
89 - 676	08/16/2007.....	12602

## EMERGENCY RULES

80 - 310	08/16/2007.....	12608
----------	-----------------	-------

## PEREMPTORY RULES

8 - 125	08/20/2007.....	12624
---------	-----------------	-------

## NOTICE OF CORRECTIONS

92 - 1060	.....	12636
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