

2007

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 31, Issue 8
February 23, 2007
Pages 3117-3227

Index Department
Administrative Code Division
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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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
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14	March 26, 2007	April 6, 2007
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16	April 9, 2007	April 20, 2007
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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

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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
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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 REPEALER

- 1) Heading of the Part: Senior Citizens and Disabled Persons Prescription Drug Discount Program
- 2) Code Citation: 80 Ill. Adm. Code 2151
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2151.10	Repeal
2151.20	Repeal
2151.30	Repeal
2151.40	Repeal
2151.50	Repeal
2151.60	Repeal
2151.70	Repeal
2151.80	Repeal
2151.90	Repeal
2151.100	Repeal
2151.110	Repeal
2151.120	Repeal
- 4) Statutory Authority: Implemented and authorized by the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act [320 ILCS 55]
- 5) A Complete Description of the Subjects and Issues Involved: The Senior Citizens and Disabled Persons Prescription Drug Discount Program (Act) [320 ILCS 55] established a program that allowed senior citizens and disabled citizens in the State of Illinois to receive prescription medication at a discounted rate. Central Management Services had this administrative responsibility and promulgated rules. Public Act 94-86 since established the Illinois Cares Rx Program, replacing this program and transferring administrative responsibility to the Department of Healthcare and Family Services. The Department of Healthcare and Family Services proposed emergency rules and published the rules for First Notice at 30 Ill. Reg. 482, effective January 1, 2006, for a maximum of 150 days. Those rules were finalized on May 26, 2006 at 30 Ill. Reg. 10274. Because CMS no longer has authority to administer the rule and the responsibility now belongs to another Agency, the entire rule is being repealed.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed repealer replace any emergency rulemaking currently in effect? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

- 8) Does this proposed repealer contain an automatic repeal date? No
- 9) Does this proposed 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 repealer will not require local governments, school districts or municipalities to establish, expand or modify activities in such a way as to necessitate additional expenditures from revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed repealer:
- Gina Wilson
Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706
- 217/785-1793
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses participating in the program that may be affected will simply work with the Department of Healthcare and Family Services instead of Central Management Services.
- 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 proposed repealer was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was erroneously omitted.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: EMPLOYEE INSURANCE
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2151
SENIOR CITIZENS AND DISABLED PERSONS
PRESCRIPTION DRUG DISCOUNT PROGRAM ([REPEALED](#))

SUBPART A: PURPOSE AND DEFINITIONS

Section
2151.10 Purpose
2151.20 Definitions

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section
2151.30 Eligibility
2151.40 Enrollment Fee
2151.50 Other Administrative Responsibilities of the Department

SUBPART C: RESPONSIBILITIES OF THE PROGRAM ADMINISTRATOR

Section
2151.60 Eligibility Determination
2151.70 Enrollment
2151.80 Re-enrollment
2151.90 Other Administrative Responsibilities
2151.100 Termination of Program Administrator

SUBPART D: FUNDING

Section
2151.110 Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund

SUBPART E: DISCOUNTS

Section
2151.120 Discounts

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

AUTHORITY: Implementing, and authorized by Section 45 of, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act [320 ILCS 55].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 4379, effective February 20, 2004; emergency expired July 18, 2004; adopted at 28 Ill. Reg. 12071, effective August 12, 2004; amended at 29 Ill. Reg. 14804, effective September 21, 2005; repealed at 31 Ill. Reg. _____, effective _____.

SUBPART A: PURPOSE AND DEFINITIONS

Section 2151.10 Purpose

This Part implements the Senior Citizens and Disabled Persons Prescription Drug Discount Program, also known as the Illinois Rx Buying Club, to enable Illinois senior citizens and disabled persons to purchase prescription drugs at discounted prices.

Section 2151.20 Definitions

The following terms have the following meanings:

"Act" means the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act [320 ILCS 55].

"Authorized Pharmacy" means any pharmacy registered in this State under the Pharmacy Practice Act of 1987 and approved by the Department or its Program Administrator.

"AWP" or "Average Wholesale Price" means the amount determined from the latest publication of the Red Book, a universally subscribed pharmacist reference guide published by the Hearst Corporation. AWP may also be derived electronically from the drug pricing database synonymous with the latest publication of the Red Book and furnished in the National Drug Data File (NDDF) by First DataBank (FDB), a service of the Hearst Corporation.

"Cardholder" means an eligible senior or eligible disabled person who has enrolled in the program.

"Citizen" means a resident of the State of Illinois.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

"Department" or "CMS" means the Department of Central Management Services.

"Director" means the Director of Central Management Services.

"Drug Manufacturer" means any entity that is located within or outside Illinois that is engaged in:

the production, preparation, propagation, compounding, conversion, or processing of prescription drug products covered under the program, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

the packaging, repackaging, leveling, labeling, or distribution of prescription drug products covered under the program

and that elects to provide prescription drugs either directly or under contract with any entity providing prescription drug services on behalf of the State of Illinois. Drug manufacturer, however, does not include a wholesale distributor of drugs or a retail pharmacy licensed under Illinois law.

"Eligible Disabled Person" means a resident of Illinois who is disabled under a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335] or is eligible to receive disability under the Federal Social Security Act.

"Eligible Enrollee" means an eligible senior and/or eligible disabled person.

"Eligible Senior" means a resident of Illinois who is 65 years of age or older.

"Participating Pharmacy" means a pharmacy that has entered into a contract with the Program Administrator to participate in this program.

"Prescription Drug" means any prescribed drug that may be legally dispensed by an authorized pharmacy.

"Program" means the Illinois Rx Buying Club created under the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

"Program Administrator" means the entity that is chosen by the Department to administer the program, consistent with the requirements of the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act and this Part.

"Program Fund" means the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund, created as a special fund under the State Finance Act [30 ILCS 105/5.595].

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section 2151.30 Eligibility

Eligibility is limited to residents of Illinois who are:

- a) Disabled and under a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] and/or is eligible to receive disability under the Federal Social Security Act; or
- b) 65 years of age and older; or
- c) Eligible for pharmaceutical assistance under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (PAP).

Section 2151.40 Enrollment Fee

To participate in the program, an approved applicant must pay \$10 upon enrollment and annually thereafter (Section 35(a) of the Act). The enrollment fee for persons eligible through PAP is waived (Section 35(c) of the Act). The Director may, by rule, reduce the annual enrollment fee, based upon actual administrative costs. The Department shall establish, maintain and account for annual enrollment fees in the Senior Citizens and Disabled Persons Prescription Drug Fund.

Section 2151.50 Other Administrative Responsibilities of the Department

- a) In discharging its administrative responsibilities pursuant to the Act, the Department will either act as the Program Administrator or enter into a contract with an outside vendor, pursuant to Section 25 of the Act, and/or agreements with State agencies under which those entities will serve as the Program administrator

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

and/or exercise various recordkeeping and other administrative functions. Any contract or agreement must provide for inspection of appropriate records and audits of participating pharmacies or other appropriate measures deemed sufficient by the Director, in his or her discretion, to ensure contract compliance and to determine any fraudulent transactions or practices under the Act. Any contract entered into with outside vendors must be in compliance with the procedures and requirements set forth in the Illinois Procurement Code [30 ILCS 500] and 40 Ill. Adm. Code 1.

- b) The Department will reimburse the Program Administrator for the cost of cardholder enrollment, pursuant to the contract entered into by the Department and the Program Administrator. The amount of reimbursement, not to exceed \$10, will be at a rate to be agreed upon by the Department and the Program Administrator and will be set forth in the contract.
- c) The Department will, in cooperation with the Program Administrator, establish procedures for properly contracting for pharmacy services and validating compliance of authorized pharmacies with the Act and this Part.
- d) The Department shall report to the Governor and the General Assembly by March 1 of each year on the administration of the program.

SUBPART C: RESPONSIBILITIES OF THE PROGRAM ADMINISTRATOR

Section 2151.60 Eligibility Determination

The Program Administrator shall obtain the necessary enrollment information from applicants and shall verify eligibility. Eligibility shall be determined within 30 days after receipt of the application.

Section 2151.70 Enrollment

The Program Administrator shall:

- a) Enroll eligible applicants into the program.
 - 1) Enrollment of PAP members is automatic.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

- 2) Other eligible applicants may enroll by mail, facsimile or telephonic process.
- 3) Eligible applicants who enroll by mail or facsimile shall apply on the form prescribed by the Department, which shall include, but not be limited to, the following elements:
 - A) complete name, mailing address, telephone number;
 - B) Social Security number;
 - C) payment provisions;
 - D) applicant certification;
 - E) age and disability status;
 - F) participation requirements for other programs;
 - G) certification of information provided; and
 - H) Program Administrator and/or agency contact information.

Also included will be a recital that only one pharmaceutical card may be used to purchase a prescription.

- b) Distribute the identification card to the eligible enrollee.
- c) Enroll persons participating in PAP, through an electronic file provided by the Department of Revenue or any subsequent State agency responsible for the administration of PAP.
- d) Collect and deposit enrollment fees into the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund.

Section 2151.80 Re-enrollment

- a) The period of enrollment in the program is one year. Cardholders must re-enroll each year by their one-year anniversary date or enrollment is terminated.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

- b) Any person eligible for PAP is automatically enrolled in the program and is not required to re-enroll annually. Enrollment of these persons is automatically terminated if the person is no longer eligible under PAP.

Section 2151.90 Other Administrative Responsibilities

- a) The Program Administrator shall contract with pharmacies electing to participate in the Illinois Rx Buying Club.
- b) Contracts with pharmacies shall require that a participating pharmacy, at a minimum, shall be licensed in Illinois.
- c) The discounts to a card shall be no less than, but may be greater than:
 - 1) AWP minus 12% for brand name drug products and, for a period of 6 months following release, newly release generic drug products; and
 - 2) AWP minus 35% for all other generic drug products.
- d) The dispensing fees shall be no greater than, but may be less than:
 - 1) \$3.50 per prescription for brand name drug products, single-source drug products, and, for a period of 6 months after their release, newly released generic drug products; and
 - 2) \$4.25 per prescription for all other generic drug products.
- e) Cardholders may purchase medications in amounts up to a 90-day supply, except as may be necessary for utilization control reasons.
- f) The Department and/or Program Administrator may negotiate with one or more drug manufacturers for payment rebates. These rebate dollars are to be used to further reduce the prescription cost to seniors and disabled persons, consistent with the requirements of the Act and this Part.
- g) Subject to funds available through rebate agreements negotiated by the Department or the Program Administrator and drug manufacturers, a participating pharmacy shall be reimbursed any difference between the contracted discount rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

agreed to by the participating pharmacy and the actual amount paid by the cardholder. Nothing in this subsection precludes a participating pharmacy from knowingly and voluntarily accepting a contract rate that provides the eligible cardholder with lower out-of-pocket costs than those set forth in the Act. All discounts negotiated with a participating pharmacy greater than the minimum discount set forth in subsection (c) shall be given, in its entirety, directly to the cardholder at the point of sale.

- h) The Program Administrator is responsible for providing reports to the Department regarding enrollment participation, prescription costs, savings, pharmacy participation, and any other reports deemed necessary by the Department. The format of the reports shall be mutually agreed upon by the Program Administrator and the Department. The Administrator's provision of such reports shall not preclude the Department from inspection of appropriate records and audits of pharmacies pursuant to Section 45(3) of the Act.
- i) The Program Administrator is responsible for providing customer service to cardholders and is responsible for developing, administering and promoting any clinical programs, such as disease management, implemented at the discretion of the Director.

Section 2151.100 Termination of Program Administrator

- a) The contract with the Program Administrator may be terminated by the Director, with cause, upon 30 days written notice or, without cause, upon at least 120 days written notice. Reasons for cause include, but are not limited to, gross and/or repeated negligence of the Program Administrator and failure of the Program Administrator to meet substantially and/or consistently the standards of performance.
- b) Upon written notice, the Director may require the Program Administrator to modify its conduct of the Program.

SUBPART D: FUNDING

Section 2151.110 Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

The Department and/or Program Administrator shall collect and the Department shall deposit enrollment fees into the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund. The Department shall separately account for enrollment fees deposited into the Fund.

SUBPART E: DISCOUNTS

Section 2151.120 Discounts

- a) The Program Administrator shall electronically communicate prescription drug discount information to the participating pharmacy.
- b) The Program Administrator shall ensure and guarantee that a cardholder will be charged no more than the rate agreed to in the contract.
- c) Any manufacturer or group purchasing organization rebate used to provide a discount greater than the agreed to pharmacy rate to the cardholder shall be reimbursed to the participating pharmacy subject to availability of funds.
- d) The cardholder shall receive the greatest discount available through the participating pharmacy at the point of sale. The total amount paid by the available cardholder for any prescription drug under this program shall not exceed the usual and customary charge for the prescription.

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: A Master Plan for Postsecondary Education in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 1070
- 3) Section Number: 1070.401 Adopted Action:
Repeal
- 4) Statutory Authority: Implementing Section 6 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/6 and 9.05]
- 5) Effective Date of Amendment: February 7, 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 rulemaking, including any material incorporated by reference, is on file at the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 30 Ill. Reg. 16682; October 27, 2006
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking repeals Section 1070.401 as the first phase of Board efforts to update this Part. Adopted rules have been filed concurrently with this amendment to establish a new Part (23 Ill. Code 1075) dedicated to tuition and fee waiver guidelines for public universities to replace Section 1070.401 (b).
- 16) Information and questions regarding this adopted amendment shall be directed to:

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

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

217/557-7352

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

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1070
A MASTER PLAN FOR POSTSECONDARY EDUCATION IN ILLINOIS

SUBPART A: ENROLLMENTS

Section
1070.101 Resource Allocation
1070.102 Annual Report

SUBPART B: FINANCING: OPERATIONS AND GRANTS

Section
1070.201 Planning and Management
1070.202 Additional Support
1070.203 Public University Tuition
1070.204 Public Universities
1070.205 Community College Financing
1070.206 Aid to Private Institutions
1070.207 Retirement Funding
1070.208 Affirmative Action

SUBPART C: PHYSICAL FACILITIES

Section
1070.301 Space Data
1070.302 Instructional Facilities
1070.303 Special Facilities

SUBPART D: STUDENTS

Section
1070.401 Financial Aid Programs ([Repealed](#))
1070.402 Affirmative Action

SUBPART E: INSTITUTIONS

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

Section	
1070.501	Programmatic Directions
1070.502	Affirmative Action

SUBPART F: PROGRAMS

Section	
1070.601	Review Process
1070.602	Public Service
1070.603	Educational Television
1070.604	Special Concerns

SUBPART G: HEALTH PROFESSIONS EDUCATION

Section	
1070.701	Meeting Health Manpower Needs
1070.702	Improving Programs
1070.703	Financing

SUBPART H: GOVERNANCE AND COORDINATION

Section	
1070.801	System of Systems
1070.802	Voting Structure
1070.803	Superintendent of Public Instruction
1070.804	State Community College of East St. Louis
1070.805	Statutes

SUBPART I: FUTURE PLANNING

Section	
1070.901	Continuous Planning
1070.902	Special Studies

AUTHORITY: Implementing Section 6 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/6 and 9.05].

SOURCE: Amended and effective April 15, 1976; codified at 8 Ill. Reg. 16804; amended at 31 Ill. Reg. 3128, effective February 7, 2007.

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

SUBPART D: STUDENTS

Section 1070.401 Financial Aid Programs (Repealed)

- a) ~~Financial need should be the determining factor in the distribution of State appropriated funds for student aid to undergraduate students in all sectors of Illinois postsecondary education. To this end, non needs based State scholarships should be eliminated. Any future increases in needs based financial aid programs funded by the State should be administered by the Illinois State Scholarship Commission. The Illinois State Scholarship Commission should consider expanding eligibility of applicants for grants by decreasing the level of expected family contribution by income range.~~
- b) ~~The present Board policy limiting undergraduate institutional tuition waivers to two percent of an institution's annual fall full time equivalent undergraduate enrollment should be implemented through budgetary measures by fiscal year 1977. This policy does not include waivers issued to University Civil Service employees and to graduate students. Tuition waivers may be awarded to eligible to Civil Service employees of institutions according to the guidelines established by the University Civil Service Merit Board, and to graduate students according to guidelines established by governing boards.~~
- e) ~~The Illinois State Scholarship Commission should conduct a yearly survey of non acceptors of monetary awards in an effort to evaluate the program and its success in the fulfillment of stated objectives. The Commission should also continue its periodic longitudinal study of award recipients as an aspect of program evaluation.~~
- d) ~~The maximum award of the Illinois State Scholarship Commission should increase as inflation forces increase in costs and tuition. The increase of the maximum award to \$1,500 for fiscal year 1976 meets these objectives. In future years, increases should occur to maintain the maximum award at a level that approximates 65 percent of the weighted average tuition at private colleges and universities.~~
- e) ~~Student employment programs should be considered as an important source of funds for students in meeting college costs and their continuation should be encouraged. However, any expansion of student employment programs requiring additional State funding should be incorporated and justified in an institution's annual budget request.~~

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

- f) ~~The Illinois institutions of higher education, governing boards, and the Board of Higher Education should give high funding priority to the operation of student financial aid, counseling, and employment offices. These efforts should increase services to students in need of financial assistance, increase the utilization of federal and State student aid resources presently available, and honor the commitment to increase student access to higher education.~~
- g) ~~The Board of Higher Education should continue its efforts to develop a comprehensive data base that provides information relating to total student cost, tuition and fees, and financial aid programs in order to monitor:~~
- ~~1) Changes in federal and State financial aid policies and their potential or actual impact on enrollments and students' ability to meet college costs;~~
 - ~~2) Changes in the unmet student cost between and within the public and private sectors of higher education;~~
 - ~~3) The impact of tuition increases on enrollments and resulting changes in the distribution of students by family income;~~
 - ~~4) Alterations in the unduplicated headcount of financial aid recipients within and among the various sectors of higher education.~~
- h) ~~An Illinois Delinquent Account Purchasing Program should be established by State statute. The program would qualify as an eligible holder of Illinois Guaranteed Loans and would be funded in a manner similar to a direct State loan program. In order to minimize collection expenses for eligible lenders, this program would involve the purchase from lenders, after required timely written notices to borrowers, of any loan in the early stages of delinquency. This program would qualify as an eligible lender in regard to holding student loans, would bill for and receive federal interest benefits and special allowances, and would file for default after diligent collection efforts have failed to cure a delinquency of over 120 days.~~

(Source: Repealed at 31 Ill. Reg. 3128, effective February 7, 2007)

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Tuition and Fee Waiver Guidelines
- 2) Code Citation: 23 Ill. Adm. Code 1075
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1075.100	New
1075.200	New
1075.300	New
1075.400	New
1075.500	New
1075.600	New
1075.700	New
- 4) Statutory Authority: Implementing Section 9.29 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.29 and 9.05]; Implementing Section 7g of the University of Illinois Act [110 ILCS 305/7g]; Implementing Section 8g of the Southern Illinois University Management Act [110 ILCS 520/8g]; Implementing Section 5-91 of the Chicago State University Law [110 ILCS 660/5-91]; Implementing Section 10-91 of the Eastern Illinois University Law [110 ILCS 665/10-91]; Implementing Section 15-91 of the Governors State University Law [110 ILCS 670/15-91]; Implementing Section 20-91 of the Illinois State University Law [110 ILCS 675/20-91]; Implementing Section 25-91 of the Northeastern Illinois University Law [110 ILCS 680/25-91]; Implementing Section 30-91 of the Northern Illinois University Law [110 ILCS 685/30-91]; Implementing Section 35-91 of the Western Illinois University Law [110 ILCS 690/35-91]
- 5) Effective Date of Rulemaking: February 7, 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 rulemaking, including any material incorporated by reference, is on file at the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 30 Ill. Reg. 16688; October 27, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules implement guidelines established by the Board of Higher Education for tuition and fee waivers at public universities. This rulemaking provides uniform definitions and clarifies the Board's tuition waiver limitation policy for public universities.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/557-7352

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

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1075

TUITION AND FEE WAIVER GUIDELINES

Section

1075.100	Purpose
1075.200	Definitions
1075.300	Waiver Accounting Classifications
1075.400	Fiscal Year Reporting
1075.500	Standard Tuition and Fee Waiver Chart of Accounts
1075.600	Institutional Requirements
1075.700	Waiver Limits

AUTHORITY: Implementing Section 9.29 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.29 and 9.05], Section 7g of the University of Illinois Act [110 ILCS 305/7g], Section 8g of the Southern Illinois University Management Act [110 ILCS 520/8g], Section 5-91 of the Chicago State University Law [110 ILCS 660/5-91], Section 10-91 of the Eastern Illinois University Law [110 ILCS 665/10-91], Section 15-91 of the Governors State University Law [110 ILCS 670/15-91], Section 20-91 of the Illinois State University Law [110 ILCS 675/20-91], Section 25-91 of the Northeastern Illinois University Law [110 ILCS 680/25-91], Section 30-91 of the Northern Illinois University Law [110 ILCS 685/30-91] and Section 35-91 of the Western Illinois University Law [110 ILCS 690/35-91].

SOURCE: Adopted at 31 Ill. Reg. 3134, effective February 7, 2007.

Section 1075.100 Purpose

This Part provides uniform tuition and fee waiver definitions and guidelines to be used by all Illinois public universities in reporting tuition and fee waivers to the Board of Higher Education and the Illinois General Assembly. In addition, this Part sets forth the undergraduate waiver limitation policies established by the Board of Higher Education.

Section 1075.200 Definitions

"Board" means the Board of Higher Education.

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"Public University" means Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University, University of Illinois, and Western Illinois University.

"Standard Tuition and Fee Waiver Chart of Accounts" means the standardized list of waiver programs approved by the Board as outlined in Section 1075.500 and used for reporting purposes to the Board and the General Assembly. The Standard Tuition and Fee Waiver Chart of Accounts includes the following general categories:

"Mandatory Waiver" means a waiver that an institution is required by State statute to grant to students that meet the specific parameters and criteria included in statute.

"Discretionary Waiver" means a waiver that is granted at the discretion of the institution. Discretionary waivers include the following categories:

"Faculty and Staff Waiver" means a discretionary waiver awarded to public university faculty, staff, or other employees or their dependents.

"Student Talent or Merit Waiver" means a discretionary waiver awarded to students based on talent in a particular field, academic merit, or special status.

"Student Need Waiver" means a discretionary waiver granted to students demonstrating financial need.

"Student Service Waiver" means a discretionary waiver granted to students to support the university mission, goals, and objectives through participation in outside contracts; graduate or undergraduate research, teaching, or other assignments; training or grant programs; external internship programs; clinical portions of degree programs conducted at other institutions; or other student experiences.

"Waiver" means the amount of revenue that the public university intentionally relinquishes for one of the purposes included in the Standard Tuition and Fee Waiver Chart of Accounts and should be recorded as an expenditure.

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"Waiver Accounting Classifications" means the following categories of waivers used for accounting purposes:

"Budgeted Waiver" means an estimated amount identified by the university as the total amount available to students in a particular fiscal year. Budgeted waivers are not identified with specific students or student positions.

"Granted Waiver" means a waiver that has been allocated to specific students or student positions. Granted waivers are available to students as reductions in tuition and/or fee charges.

"Expended Waiver" means that an individual student has been identified as the recipient of a granted waiver and the student's financial obligation account has been reduced by the granted waiver amount. Expended waivers may not exceed granted waivers. In instances when a student withdraws from class and is entitled to a reduction in tuition charges, a concurrent reduction in the expended tuition waiver may be recorded to recognize the reduction in remised tuition.

"Waiver Agreement" means an agreement between the public university and the student to reduce or eliminate the tuition and/or fees that normally would be charged to the student.

Section 1075.300 Waiver Accounting Classifications

All tuition and fees assessed against students should be recorded as revenue, even though there may be no intention of collecting the revenue from the student. A waiver is the amount of revenue that the university intentionally relinquishes for one of the purposes included in the Standard Tuition and Fee Waiver Chart of Accounts in accordance with Section 1075.500 and should be recorded as university expenditures. Tuition and fee waivers should be classified for accounting purposes by the university as budgeted, granted, or expended waivers. The classification of tuition and fee waivers is dependent on the point in the budgeting and accounting cycle that the transaction takes place.

Section 1075.400 Fiscal Year Reporting

- a) Public universities shall report tuition and fee waivers annually to the Board in a common format provided by the Board.

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- b) Waivers shall be reported as budgeted, granted or expended waivers within the particular fiscal year in which the corresponding tuition and fees are recognized as revenue.
- c) In instances in which waivers are adjusted after the end of the fiscal year, universities shall establish a cutoff date of August 31 to facilitate fiscal year waiver reporting. Adjustments made after the cutoff date will be allocated to the following fiscal year. Public universities will develop appropriate written procedures to implement the cutoff date.

Section 1075.500 Standard Tuition and Fee Waiver Chart of Accounts

Institutions must report waivers to the Board and Illinois General Assembly using the following waiver categories. The Board must approve all university requests for additional waiver reporting categories.

- a) Mandatory Waivers shall be granted in accordance with the following statutes:
 - 1) Teachers Scholarships: Special Education Grants [110 ILCS 947/65.15]
 - 2) General Assembly Scholarships [105 ILCS 5/30-9]
 - 3) Reserve Officers' Training Corps Scholarships [105 ILCS 5/30-16]
 - 4) Department of Children and Family Services Scholarships and Fee Waiver [20 ILCS 505/8]
 - 5) Partial Tuition Waivers for Children of University Employees [110 ILCS 305/7f, 660/5-90, 665/10-91, 670/15-90, 675/20-91, 680/25-91, 685/30-90, and 690/35-90]
 - 6) Senior Citizen Courses Act [110 ILCS 990]
 - 7) Honorary Scholarships [110 ILCS 305/9]
 - 8) Illinois Veteran Grants [110 ILCS 947/40]
 - 9) Illinois National Guard Grants [110 ILCS 947/45]

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- 10) MIA/POW Scholarships [105 ILCS 5/30-14.2]
 - b) Discretionary Waivers
 - 1) Faculty and Staff Waivers
 - A) Faculty and Administrators
 - B) Civil Service Staff: University Employees
 - C) Civil Service Staff: Interinstitutional and Related Agencies
 - D) Retired University Employees
 - E) Children of Deceased Employees
 - 2) Student Talent and Merit Waivers
 - A) Academic or Other Talent
 - B) Athletic
 - C) Gender Equity in Intercollegiate Athletics [110 ILCS 205/9.24]
 - D) Foreign Exchange Students
 - E) Out-of-State Students
 - F) Foreign Students
 - G) Fellowships
 - 3) Student Need Waivers
 - A) Financial Aid Waivers
 - B) Special Program Waivers
 - 4) Student Service Waivers

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- A) Cooperating Professionals
- B) Research Assistants
- C) Teaching Assistants
- D) Other Assistants
- E) Contract/Training Grants

Section 1075.600 Institutional Requirements

- a) Waiver Approvals and Allocations
 - 1) Each public university shall adopt written policies that specify the institutional processes for authorizing specific tuition and fee waiver programs and the purposes of such programs, establishing waiver budget and expenditure levels, and allocating waivers to waiver programs.
 - 2) Each public university shall adopt an official list of waiver programs in which the university has chosen to participate. Allowable waiver programs include only those in accordance with Section 1075.500. The list of waiver programs offered by the university may be amended at the university's discretion and must be available to students, upon request. All waiver programs added to the university's list of available waiver programs also must be listed in the Standard Tuition and Fee Waiver Chart of Accounts. The university's list, and all amendments to the list, must be provided to the Board.
 - 3) Each public university shall develop written procedures to assure that the total amount of budgeted tuition and fee waivers and the amount of expended tuition and fee waivers, by type, academic or administrative unit, and instructional level, are fully disclosed to the university board of trustees.
- b) Waiver Applications
 - 1) Each public university shall adopt written procedures concerning waiver applications. Public universities may have separate waiver applications for various waiver programs.

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- 2) Each public university shall adopt and publish eligibility criteria for each waiver program in which it participates.
 - 3) Waiver applications shall collect the information needed to determine whether a student meets the published eligibility criteria.
- c) Student Eligibility and Selection
- 1) Each public university shall adopt written procedures to assure that waivers are granted only to students eligible for the waivers. The written procedures must include the criteria and processes for selecting waiver recipients when the number of eligible students applying for waivers exceeds the amount of available waivers.
 - 2) Each department or unit granting waivers must have a clear description of the processes used to assign waivers, criteria used to award waivers (beyond the threshold criteria), and identification of persons who participate in the selection of individual waivers. Written documentation shall be maintained on why individuals were selected to receive waivers, as well as why applicants were not selected to receive waivers.
- d) Waiver Agreements
- 1) Each public university shall adopt written procedures that provide the requirements for waiver agreements between students and the university.
 - 2) Each student selected to receive a waiver for which the student is required to perform service must sign an agreement at the time of appointment with the university that delineates and determines the conditions of that service.
 - 3) The agreement shall include the level of waiver support that the public university will provide to the student.
- e) Records and Retention. Each public university shall adopt written procedures for waiver records and records retention incorporating the following principles:
- 1) Tuition and fee waiver records include, but are not limited to, written documentation for the university approved waiver listing, application cutoff dates, eligibility and selection criteria for each waiver program,

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awarded and rejected applications, selection records, award notifications, records of rejected applicants, and procedures for entering waiver data into the university accounting system.

- 2) Tuition and fee waiver records shall be maintained for a minimum of five years. After five years, the university may dispose of the records, providing all audits have been completed under the direction of the Office of the Auditor General, if necessary, and no litigation is pending or anticipated. Each university, at its discretion, may retain records for longer periods.
- f) **Monitoring Waiver Programs**
- 1) Each public university shall identify the administrative unit responsible for the overall monitoring of the university waiver program. The unit shall be responsible for assuring that procedures are in place to assure that waivers are awarded within the requirements of the State of Illinois, the policies of the Board, and the policies and procedures of the university board of trustees.
 - 2) The designated administrative unit is responsible for assuring that the university adopts written policies and procedures and assuring implementation of appropriate methods of counting and reporting the value and number of waivers.
 - 3) Each public university shall annually submit to the Board the university's policies and procedures for administering the university waiver program. Board staff will review the policies and procedures and report to the Board the results of that review in its evaluation of waiver programs.
- g) **University Internal Audits.** It shall be the responsibility of each public university to assure that its tuition and fee waiver program is included in the university's internal audit plan and subject to periodic review by its internal audit staff.

Section 1075.700 Waiver Limits

- a) The amount of undergraduate tuition revenue that a public university may waive is limited to three percent of total available undergraduate tuition revenue, subject to the exceptions listed in subsection (b). Total available undergraduate tuition revenue is the total of all tuition charged and waived.

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- b) Waivers excluded from the three percent limit include:
- 1) Mandatory waivers granted in accordance with Section 1075.500(a) of this Part;
 - 2) Gender Equity in Intercollegiate Athletics waivers;
 - 3) Foreign Exchange Student waivers;
 - 4) Civil Service Staff: University Employee waivers;
 - 5) Civil Service Staff: Interinstitutional and Related Agencies waivers; and
 - 6) Waivers offered through Board-approved bilateral or multilateral tuition reciprocity agreements.
- c) Waivers expended by a public university above the three percent limit may result in an equal amount being adjusted from the university budget during the next Board budget cycle.

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Nursing School Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 1100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1100.100	New
1100.200	New
1100.300	New
1100.400	New
1100.500	New
1100.600	New
1100.700	New
1100.800	New
- 4) Statutory Authority: Implementing and authorized by Section 9.31 of the Board of Higher Education Act [110 ILCS 205/9.31]
- 5) Effective Date of Rulemaking: February 7, 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 rulemaking, including any material incorporated by reference, is on file at the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 30 Ill. Reg. 16699; October 27, 2006
- 10) Has JCAR issued a Statement of Objection to this rule making? No
- 11) Differences between proposal and final version: The adopted rules incorporate a few modifications in response to recommendations from JCAR staff. These recommendations asked the Board to: in Section 1100.300, identify an annual application deadline; in Sections 1100.500 and 1100.600, clarify how awards will be determined; in Section 1100.700, include language pertaining to grant agreements and make a few non-substantive changes. In addition, Section 1100.300 clarifies that RN-BSN programs do not require approval from the Illinois Department of Financial and Professional Regulation (IDFPR).

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rulemaking implements the provisions of Public Act 94-1020 that amends the Board of Higher Education Act [110 ILCS 205/9.31] to establish a competitive nursing school grant program. The intent of the program is to increase the number of registered nurses graduating from Illinois institutions of higher learning that offer accredited nursing programs approved by the Illinois Department of Financial and Professional Regulation. Awards will be based on performance measures and a competitive application process.
- 16) Information and questions regarding these adopted rules shall be directed to:

Sandi Gillilan, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, Illinois 62701

217/557-7352

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

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1100

NURSING SCHOOL GRANT PROGRAM

Section

1100.100	Purpose
1100.200	Definitions
1100.300	Eligible Nursing Program
1100.400	Application Process
1100.500	Expansion Grants
1100.600	Improvement Grants
1100.700	Award Process
1100.800	Audit Requirements

AUTHORITY: Implementing and authorized by Section 9.31 of the Board of Higher Education Act [110 ILCS 205/9.31].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 17113, effective October 16, 2006, for a maximum of 150 days; adopted at 31 Ill. Reg. 3145, effective February 7, 2007.

Section 1100.100 Purpose

The purpose of the Nursing School Grant Program is to address the nursing shortage in Illinois by *increasing the number of nurses graduating from Illinois institutions of higher learning* [110 ILCS 205/9.31]. The Program is comprised of two grant categories: Expansion Grants and Improvement Grants. Grants for both categories shall *be awarded on the basis of performance criteria* [110 ILCS 205/9.31] and a competitive application process.

Section 1100.200 Definitions

"Board" means the Board of Higher Education.

"Eligible Nursing Program" means a nursing program at an Illinois institution of higher learning that prepares registered nurses in accordance with Section 1100.300 and offers at least one of the following nursing degree programs:

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"ADN" means an Associate Degree in Nursing. Upon completion of the program, a graduate may be eligible to take the examination for licensure as a registered nurse (NCLEX-RN).

"BSN" means a Bachelor of Science in Nursing. This program admits pre-licensure students and awards a Bachelor of Science degree in nursing.

"RN-BSN" means a baccalaureate completion program that admits registered nurses and awards a Bachelor of Science degree in nursing.

"Expansion Grant" means a competitive grant, renewable for up to three years, under this Part that supports high-performing eligible nursing schools for the purpose of expanding nursing program capacity and either increasing the number of students preparing for initial licensure as registered nurses (ADN or BSN) or increasing the number of registered nurses completing baccalaureate completion programs (RN-BSN).

"Improvement Grant" means an annual competitive grant under this Part that supports eligible nursing schools with the purpose of increasing student retention and improving institutional NCLEX-RN pass rates.

"Institution of Higher Learning" means a public or nonpublic institution of higher education located within Illinois that offers associate, baccalaureate or post-baccalaureate degrees and that is authorized to operate in the State of Illinois.

"NCLEX-RN" means the National Council Licensure Examination-Registered Nurse. Passing the NCLEX-RN is required of candidates for licensure as a Registered Nurse (RN) in Illinois.

Section 1100.300 Eligible Nursing Program

Illinois institutions of higher learning offering registered nursing degree programs must meet the following criteria to be eligible to receive a grant under this Part:

- a) ADN programs must:
 - 1) Be approved by the Illinois Department of Financial and Professional Regulation (DFPR);

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- 2) Be accredited by the National League for Nursing Accrediting Commission (NLNAC); and
 - 3) Have an articulation agreement with at least one institution of higher learning that offers baccalaureate degrees for registered nurses.
- b) BSN programs must:
- 1) Be approved by DFPR; and
 - 2) Be accredited by the Commission on Collegiate Nursing Education (CCNE) or the NLNAC.
- c) RN-BSN programs must be accredited by the CCNE or the NLNAC.

Section 1100.400 Application Process

- a) Eligible nursing programs will be notified by the Board when funding opportunities and application materials for grant opportunities under this Part are available.
- b) Application materials may be obtained from the Illinois Board of Higher Education, 431 East Adams Street, Second Floor, Springfield, Illinois 62701-1404 or the Board's website at www.ibhe.org.
- c) Completed application materials signed by the institution's chief executive officer must be received by the Board by the announced deadline for the submission of applications, which shall not be less than 45 days from the announcement and release of application materials. Application materials will be due no later than October 31 of each year.
- d) Grantees maintaining eligibility criteria in accordance with Section 1100.500(b) or Section 1100.600(b) may annually reapply for funding.

Section 1100.500 Expansion Grants

- a) In a given fiscal year, at least 90 percent of the Program appropriation shall support Expansion Grants.

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- b) Eligibility Criteria
 - 1) ADN and BSN programs must meet both of the following criteria:
 - A) NCLEX-RN pass rate for first-time test takers must be equal to or greater than 90 percent.
 - B) Program attrition rate must be equal to or less than 15 percent.
 - 2) RN-BSN programs must have a program attrition rate equal to or less than 15 percent.
- c) Grant applications for Expansion Grants under this Part shall include, but need not be limited to, the following:
 - 1) Comprehensive description of the proposed use of funds in accordance with subsection (e), including evidence of current research and best practices to support proposed strategies.
 - 2) Budget by line item, including personal services, contractual services, commodities, equipment, telecommunications, travel, and audit.
 - 3) Performance measures, including, but not limited to, the following:
 - A) Eligibility criteria in accordance with subsection (b);
 - B) First-year retention rate;
 - C) Job placement within 6 months of degree completion; and
 - D) Number of degrees conferred (three-year trend).
 - 4) Statement of institutional support and sustainability of grant-funded activities.
 - 5) Evaluation plan.
 - 6) Program audit and an interim evaluation report from the previous year, if the applicant received an Expansion Grant under this Part.

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- d) Awards
- 1) The grant awards for eligible nursing programs shall be determined using a competitive process to review applications that shall include, but need not be limited to, the following criteria:
 - A) Evidence of effective program goals and performance measures;
 - B) Proposed use of funds and budget justification demonstrating an effective use of program resources;
 - C) An effective evaluation plan including reliable measures of performance and program outcomes;
 - D) Evidence of institutional support and sustainability of grant-funded activities; and
 - E) Number of completed applications received in accordance with subsection (c).
 - 2) The number and amount of grant awards is subject to the Program appropriation.
- e) Use of Grant Funds. Expansion Grant funds may be used to expand capacity and increase the number of students preparing for careers as registered nurses. Acceptable expenditures may include, but are not limited to, the following:
- 1) Hiring additional qualified nursing faculty;
 - 2) Developing or expanding instructional programs (e.g., online, weekend, evening);
 - 3) Developing or expanding academic support programs;
 - 4) Securing additional clinical instruction sites;
 - 5) Increasing classroom space;

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- 6) Purchasing equipment and other program-related instructional materials;
and
- 7) Evaluation, dissemination of program results, and program audit.
- f) Grantees may annually reapply for funding under this Part.
- g) Grantees must submit a final evaluation report.

Section 1100.600 Improvement Grants

- a) In a given fiscal year, no more than 10 percent of the Program appropriation shall be directed to Improvement Grants.
- b) Eligibility Criteria
 - 1) ADN and BSN programs must meet at least one of the following criteria:
 - A) NCLEX-RN pass rate for first-time test takers must be less than 90 percent.
 - B) Program attrition rate must be greater than 15 percent.
 - 2) RN-BSN programs must have a program attrition rate greater than 15 percent.
- c) Grant applications for Improvement Grants under this Part shall include, but need not be limited to, the following:
 - 1) Comprehensive description of the proposed use of funds in accordance with subsection (e), including evidence of current research and best practices to support proposed strategies.
 - 2) Budget by line item, including personal services, contractual services, commodities, equipment, telecommunications, travel, and audit.
 - 3) Performance measures, including, but not limited to, the following:
 - A) Eligibility criteria in accordance with subsection (b);

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- B) First-year retention rate;
 - C) Job placement within 6 months of degree completion; and
 - D) Number of degrees conferred (three-year trend).
- 4) Statement of institutional support and sustainability of grant-funded activities.
 - 5) Evaluation plan.
 - 6) Program audit from the previous year, if the applicant received an Improvement Grant under this Part.
- d) Awards
- 1) The grant awards for eligible nursing programs shall be determined using a competitive process to review applications that shall include, but need not be limited to, the following criteria:
 - A) Evidence of effective program goals and performance measures;
 - B) Proposed use of funds and budget justification demonstrating an effective use of program resources;
 - C) An effective evaluation plan including reliable measures of performance and program outcomes;
 - D) Evidence of institutional support and sustainability of grant-funded activities; and
 - E) Number of completed applications received in accordance with subsection (c).
 - 2) The number and amount of grant awards is subject to the Program appropriation.

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- e) Use of Grant Funds. Improvement Grant funds may be used to support strategies aimed at increasing student retention and improving institutional NCLEX-RN pass rates.
 - 1) Acceptable expenditures may include, but are not limited to, the following:
 - A) Developing or expanding academic support services to improve student retention and increase NCLEX-RN pass rates;
 - B) Improving existing classroom space;
 - C) Purchasing equipment and other instructional materials necessary to improve instructional quality; and
 - D) Program audit.
 - 2) Improvement Grants shall not be used to hire faculty.
- f) Grantees may apply annually for funding under this Part.
- g) Grantees must submit an evaluation report.

Section 1100.700 Award Process

- a) Board staff shall review application materials and make recommendations to the Board for approval.
- b) Once grants are awarded by the Board, the Board shall notify each applicant in writing concerning its application.
- c) The Board shall establish a grant agreement with those institutions awarded a grant under this Part that specifies the terms and conditions of the grant.

Section 1100.800 Audit Requirements

- a) All grantees are required to provide an annual program audit to the Board.
- b) After the initial program year (fiscal year 2007), applications must include a

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program audit of grant funds received in the previous year.

- c) Program audits must be performed by an external auditor who is registered as a public accountant by DFPR.
- d) Program audits must include a statement of revenues and expenditures to verify the use of grant funds. Grant funds not expended as identified by the audit shall be refunded to the State.
- e) In the event that a grant recipient does not reapply for a grant under this Part in a subsequent year, a program audit must be submitted to verify the use of grant funds.
- f) The cost of a program audit is an allowable use of grant funds.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Household Goods Carriers
- 2) Code Citation: 92 Ill. Adm. Code 1457
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1457.10	Amendment
1457.90	Amendment
1457.150	Amendment
1457.330	Amendment
1457.450	Amendment
1457.600	Amendment
1457.610	Amendment
1457.650	Amendment
1457.920	Amendment
- 4) Statutory Authority: Implementing Section(s) 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-2107]
- 5) Effective Date of Amendments: March 1, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Copies of these adopted amendments, including any material incorporated by reference, are on file and available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 14199; September 1, 2006
- 10) Has JCAR issued a Statement of Objection to these amendments? No

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- 11) Differences between proposal and final version: At the recommendation of JCAR, proposed Section 1457.90(c)(5) that would have subjected carriers that violate subsection 1457.90(c) to sanctions under 625 ILCS 5/18c-1704 was deleted from the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements 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 amendments make several changes to the rules applicable to household goods carriers that are regulated by the Illinois Commerce Commission. The amendments:

- Include language in the rules requiring consideration of whether an applicant for a household goods license has operated illegally in the past and been the subject of administrative citations or civil penalties (Section 1457.10(g));
- List items to be audited by the Commission's Compliance Office during the temporary household goods authority period (Section 1457.10(j));
- Require that, upon denial of a permanent households good authority, a hearing must be held within 45 days upon request and that the Commission must enter a final order within 120 days or the license is denied by operation of law (Sections 1457.10(k)(2) and (3));
- Require that if, after a six-month extension period to operate with a temporary household goods license, the applicant is in non-compliance with Commission rules, the applicant must cease operating regardless of whether a request for a hearing has been received (Section 1457.10(k)(4)(C));
- Prohibit advertising by any means until the Commission has granted an authority to operate as a household goods mover (Section 1457.90(c)(4)(E));

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- Prohibit a household goods carrier from accepting barter as payment (Section 1457.90(d)(2));
- Require both shippers and carriers to participate in any mediation in good faith (Section 1457.330(a));
- Reduce the time limit for filing a claim for loss or damage from 9 months to 90 days (Section 1457.450(a));
- Require that bills of lading and freight bills be consecutively numbered (Section 1457.600(e));
- Require verification that a copy of the Commission's consumer guide was provided to the shipper (Section 1457.610(b)(9), Section 1457.650);
- Include several minor wording and grammatical changes (Section 1457.150(b), Section 1457.600(b)(2), Section 1457.600(b)(3), Section 1457.920(d)).

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

Steve Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-6447
smartisc@icc.illinois.gov

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

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TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLYPART 1457
HOUSEHOLD GOODS CARRIERS

SUBPART A: APPLICATIONS

Section

- 1457.10 Application for Temporary Household Goods Authority
- 1457.20 Notice of Application for Permanent Household Goods Authority
- 1457.30 Petitions for Leave to Intervene
- 1457.40 Application for Permanent Household Goods Authority
- 1457.50 Emergency Temporary Household Goods Authority Application
- 1457.60 Transfer of Permanent Household Goods Authority

SUBPART B: FITNESS STANDARDS

Section

- 1457.80 Requirements to Show Fitness
- 1457.90 Continued Fitness Standards

SUBPART C: INSURANCE OR BOND COVERAGE

Section

- 1457.100 Licenses Conditioned upon Compliance with Insurance Requirements
- 1457.110 Proof of Insurance or Bond Coverage
- 1457.120 Public Liability and Property Damage Coverage
- 1457.130 Cargo Damage Coverage
- 1457.140 Collect On Delivery (C.O.D.) Bond Coverage
- 1457.150 Shipper Valuation Coverage
- 1457.160 Shipper Insurance Coverage

SUBPART D: SELF-INSURANCE

Section

- 1457.200 Effect of Qualification as Self-Insurer
- 1457.210 Minimum Requirements for Self-Insurers

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- 1457.220 Reports to be Filed by Self-Insurers
- 1457.230 Revocation of Authorization to be a Self-Insurer
- 1457.240 Reinstatement

SUBPART E: RESOLUTION OF HOUSEHOLD GOODS DISPUTES

Section

- 1457.300 Introduction
- 1457.310 Definitions
- 1457.320 Shipper-Carrier Negotiation
- 1457.330 Mediation
- 1457.340 Arbitration

SUBPART F: CLAIMS FOR OVERCHARGES OR DUPLICATE PAYMENT

Section

- 1457.400 Definitions
- 1457.405 Filing of Claims
- 1457.410 Documentation of Claims
- 1457.415 Investigation of Claims
- 1457.420 Claim Records
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- 1457.430 Disposition of Claims
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SUBPART G: CLAIMS FOR LOSS OR DAMAGE

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- 1457.440 Definitions
- 1457.450 Limitations for Filing a Claim
- 1457.455 Requirements for Form and Content of Claims
- 1457.460 Documents Not Constituting Claims
- 1457.465 Claims Filed for Uncertain Amounts
- 1457.470 Multiple Loss and Damage Claims for the Same Shipment
- 1457.475 Acknowledgement of Loss or Damage Claims
- 1457.480 Loss or Damage Claim Records
- 1457.485 Investigation of Loss or Damage Claims
- 1457.490 Disposition of Loss or Damage Claims

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1457.495 Processing of Salvage

SUBPART H: ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS

Section

1457.500 Generally Accepted Accounting Principles
1457.510 Records
1457.520 Examination and Audit
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SUBPART I: BILLS OF LADING OR OTHER FORMS

Section

1457.600 Bills of Lading and Freight Bills
1457.610 Estimate of Charges
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1457.640 Determination of Weights
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1457.800 Carrier Identification of Vehicles and Format

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1457.950	Lease Form
1457.960	Possession and Control of Leased Equipment
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LINE-HAUL RATES; AND ACCESSORIAL OR TERMINAL CHARGES

Section

1457.1000	Authority to Establish Released Value Rates
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Section

1457.1100	Definition of Tariff Bureau
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Section

1457.1200	Accounts
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1457.1230	Prohibition Against Protests by Tariff Bureaus

SUBPART P: CARRIER/AGENT RELATIONSHIPS

Section

1457.1300	Carrier/Agent Relationships
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SUBPART Q: FEES

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Section

1457.1400 Filing Fees

AUTHORITY: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-2107].

SOURCE: Adopted at 24 Ill. Reg. 17072, effective November 1, 2000; amended at 28 Ill. Reg. 3840, effective March 1, 2004; amended at 28 Ill. Reg. 13003, effective October 1, 2004; amended at 31 Ill. Reg. 3156, effective March 1, 2007.

SUBPART A: APPLICATIONS

Section 1457.10 Application for Temporary Household Goods Authority

- a) Application for temporary household goods authority shall be filed on forms provided by the Commission.
- b) Public notice of application for temporary household goods authority shall be published in the official State newspaper and the Certificate of Publication must be received by the Commission no more than 30 days after the application has been filed. The published notice must include the docket number assigned to the application by the Commission.
- c) An application for temporary authority cannot be filed unless an application for permanent authority has been filed or is filed concurrently with the application for temporary authority.
- d) The applicant shall have 60 days from the issuance of the order granting a temporary authority to file the following with the Commission:
 - 1) Rates applicable to the full extent of the grant of temporary authority;
 - 2) If applicable, proof of insurance as required in compliance with the Workers' Compensation Act [820 ILCS 305];
 - 3) Proof of liability insurance, and any cargo and C.O.D. affidavits or bonds/insurance required; and

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- 4) Payment of franchise fees for each truck to be operated under the temporary authority.
- e) Failure to submit the above within the specified 60 day period will result in the order granting the temporary authority being vacated and the application being dismissed.
- f) Temporary authority shall not be granted unless the application and the evidence presented at hearing demonstrate that a public need exists for the requested service and that the applicant is fit, willing, and able to provide the service requested.
- g) Fitness shall be determined in accordance with the provisions of Subpart B of this Part. Evidence that applicant has conducted household goods moves without Commission authority, been assessed civil penalties, or received administrative citations shall be considered by the Commission in determining the applicant's fitness to operate.
- h) In determining whether a public need exists for the requested service the Commission shall consider demographic statistics, supporting shipper testimony, or any other evidence presented that is material and relevant.
- i) An applicant may operate as a household goods carrier under a temporary authority for up to one year after the service date of the order granting temporary authority. During that year of operation, the temporary authority holder shall be subject to:
 - 1) A compliance audit conducted by the Commission;
 - 2) A review of any and all consumer complaints against the temporary authority holder.
- j) The compliance audit shall include, but not be limited to, a review of:
 - 1) proof of proper insurance
 - 2) claims/complaints filed by shippers
 - 3) business organization records

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- 4) proper documentation of moves including estimates, bills of lading, inventories and claims
 - 5) liability provisions on estimates and bills of lading
 - 6) operation within scope of authority
 - 7) compliance with rate and tariff provisions
 - 8) distribution of the Commission's consumer brochure
 - 9) advertising
 - 10) equipment leases
 - 11) documentation in vehicles
 - 12) carrier identification on vehicles and documents
- kj) If substantial violations of the rules and regulations of the Commission are found in either the compliance audit or the consumer complaint review conducted under subsection (i) of this Section, notice of denial of permanent authority ~~revocation~~ shall be sent to the temporary authority holder, together with a copy of the audit report and documents referred to in the audit report.
- 1) The temporary authority holder shall have 30 days from the service date of the notice of denial of permanent authority ~~revocation~~ to submit a written request to the Commission for either or both of the following:
 - A) A six month extension of its temporary authority to allow opportunity to come into compliance with the rules and regulations of the Commission;
 - B) A formal hearing regarding the allegations of violations.
 - 2) The hearing on denial of permanent authority shall be held no later than 45 days after the request is received by the Commission.

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- 3) Failure of the Commission to enter a final order within 120 days after the request for a hearing on denial of permanent authority shall constitute denial of permanent authority by operation of law.
- 4)2) The Motor Carrier Employee Board shall act on requests for extensions of temporary authorities. A temporary authority holder shall be allowed only one six-month extension of its temporary operating authority.
- A) During the six-month extension, the Commission will conduct a compliance audit of the temporary authority holder and a review of consumer complaints against the temporary authority holder.
- B) The six-month extension shall terminate six months after the date granting the extension.
- C) If during the six-month extension period the temporary authority holder is found to be in substantial non-compliance with the Commission's rules and regulations, the applicant shall cease operating immediately, notwithstanding whether a hearing has been requested pursuant to subsection (k)(1)(B) of this Section.
- 5) The Motor Carrier Employee Board shall act on applications for permanent authority following receipt of Staff recommendations.
- ~~k~~) A temporary authority shall be converted to a permanent authority upon expiration if the authority holder is found to have operated in substantial compliance with the rules and regulations of the Commission.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

SUBPART B: FITNESS STANDARDS

Section 1457.90 Continued Fitness Standards

- a) Personnel Standards
- 1) No household goods carrier shall permit any driver, helper, and/or packer to be used in the transportation of any household goods shipment or in the performance of accessorial services unless that person is trained in the

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movement of household goods.

- 2) No household goods carrier shall knowingly permit drivers, helpers and/or packers to go on duty who are under the influence of alcoholic beverages or liquors of any kind, or narcotics, or habit-forming drugs not prescribed by a physician. Nor shall the use of these substances be allowed while the employees are on duty. Knowledge by the carrier is deemed to exist if known to the foreman or other manager of the crew.

b) Equipment Standards

- 1) Equipment and facilities utilized by a household goods carrier for the transportation of household goods shall be maintained in a manner that is sufficient to protect the goods from damage or breakage. The interior of those vehicles used to transport household goods shipments shall be clean and free from vermin and debris.
- 2) For shipments transported at hourly rates, the household goods carrier shall determine the number of men and the size and the number of motor vehicle equipment that is appropriate to provide safe and timely transportation services for the requested movement. If the carrier deviates from its initial determination as stated in the carrier's written estimate, the shipper shall not be charged for any resulting excess charges unless the shipper is informed and agrees in writing. A notation shall be placed on the bill of lading indicating the number of men and motor vehicles initially estimated and the number actually furnished and used for the move.

c) Advertising Standards

- 1) For purposes of this Section, the term "advertisement" means any advertisement, solicitation, or other communication with the public in relation to the offer or sale of Illinois intrastate household goods transportation service. The term shall include advertisement by radio, television, internet, computer media or any other medium. The term shall not include a simple listing of household goods carriers' names, addresses, and telephone numbers, as in a telephone directory.
- 2) Each household goods carrier shall include, and shall require each of its agents to include, in every advertisement the full name of the originating

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household goods carrier as it appears on the carrier's license from the Commission. The advertisement shall also identify the carrier by showing the characters "ILL.C.C." followed by the license number assigned to the household goods carrier by the Commission.

- 3) Household goods carriers who are duly authorized agents for other licensed carriers, including carriers operating under the jurisdiction of the Federal Motor Carrier Safety Administration, may advertise and represent themselves as such an agent.
- 4) The following advertising practices shall not be conducted by household goods carriers:
 - A) Household goods carriers shall not advertise rates unless the following caveats are included in the advertisement:
 - i) "Rates effective (date), subject to change"; and
 - ii) "Actual charges governed by applicable tariffs, this advertisement notwithstanding";
 - B) Household goods carriers shall not misrepresent the scope of services offered and made available to the public under authority of the license issued by the Commission;
 - C) Household goods carriers shall not advertise that their operations are conducted at addresses or locations where duly authorized employees are not on duty during all business hours. The location of a telephone answering service does not constitute an address or location where duly authorized employees are on duty; ~~and~~
 - D) Household goods carriers shall not advertise or otherwise offer to provide insurance or storage of personal property for compensation unless the carrier is duly licensed to engage in the offered activity by the appropriate agency of the State of Illinois; ~~and-~~
 - E) No applicant for household goods authority shall advertise by any means until authority to operate has been issued by the Commission.

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- d) Standards for Forms of Payment
- 1) Household goods carriers shall accept payment tendered in the following forms:
 - A) Cash;
 - B) Cashier's check; or
 - C) Money order.
 - 2) A household goods carrier may accept payment in other forms, including personal checks and credit cards, if to do so does not result in a practice that circumvents the statutory requirement that a carrier charge no more or less than the rate in the applicable tariff. No household goods carrier shall accept barter as payment.
 - 3) A household goods carrier shall not refuse to accept any ordinary form of payment unless, before rendition of the service, the carrier has advised the shipper, in writing, that it would not accept payment in the form tendered.
- e) Notification of any delay in pickup or delivery shall be given to the shipper by telephone, e-mail, fax, or in person, at the carrier's expense, as soon as it becomes apparent that the delay will occur, provided the shipper has given information sufficient for the communication.
- f) All household goods carriers shall hold themselves out to provide a guaranteed delivery service at the tariff charge. The term "guaranteed delivery" shall mean that a carrier providing service shall perform delivery on a specified date.
- g) No household goods carrier shall accept a shipment of household goods for transportation that is subject to the minimum weight, distance, or time provisions of the carrier's tariff without first having advised the shipper of the minimum weight, distance, or time provisions. Failure to advise the shipper, in writing, of the provisions shall void the minimum rate application.
- h) All household goods carriers shall maintain on file with the Commission all required insurance coverage including, where applicable, insurance in compliance

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with the Workers' Compensation Act [820 ILCS 305].

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

SUBPART C: INSURANCE OR BOND COVERAGE

Section 1457.150 Shipper Valuation Coverage

- a) A household goods carrier's liability for loss or damage in the absence of a shipper's release, except as provided in subsection (b) is limited to the greater of:
 - 1) Two dollars per pound per shipment times the weight of the shipment in pounds; or
 - 2) The lump sum value declared in writing by the shipper.
- b) The shipper, by his or her own handwriting, may agree to have a shipment valued for loss or damage purposes at 30 cents per pound per article. To release the shipment at 30 cents per pound per article, the shipper must insert the words "30 cents per pound per article" and his or her signature on the bill of lading.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

SUBPART E: RESOLUTION OF HOUSEHOLD GOODS DISPUTES

Section 1457.330 Mediation

If a shipper and carrier are unable to resolve a dispute, either party may request the Commission staff's participation in the dispute resolution process as a mediator.

- a) ~~Both shippers and carriers~~ **Carriers** are required to participate in mediation in good faith. "Good faith participation" includes participation by a representative of the carrier who has authority to agree to settlement. However, the fact that a settlement is not achieved does not in itself constitute evidence of lack of good faith participation.
- b) Mediation may take any form or employ any process to which the parties and the mediator agree. Mediation will terminate when the parties reach an agreement about all issues in dispute, when the shipper withdraws as a participant, or when

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the staff mediator determines that there is no reasonable likelihood that the parties will reach an agreement on any issues remaining in dispute.

- c) At the conclusion of mediation, the staff mediator will prepare a memorandum for the parties reflecting the terms of their agreement. If any issues remain unresolved, the staff mediator will give the parties a written opinion as to the merits of the issues remaining in dispute, based on the information available to the staff mediator and the applicable law. The opinion expressed by the staff mediator shall not be binding on the Commission.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

SUBPART G: CLAIMS FOR LOSS OR DAMAGE

Section 1457.450 Limitations for Filing a Claim

- a) Any limitation for the filing of claims for loss or damage to a shipment must allow at least ~~90 days~~^{9 months} after the shipment is delivered or scheduled to be delivered for the filing of a claim by the shipper with the carrier.
- b) Any limitations on the filing of suits by the shipper for loss or damage to a shipment must allow at least 2 years from the date of written notice by the carrier that it declined to pay the claim.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

SUBPART I: BILLS OF LADING OR OTHER FORMS

Section 1457.600 Bills of Lading and Freight Bills

- a) Issuance of the bill of lading. At the time a shipment is picked up, all carriers shall issue a bill of lading indicating the commodities transported, the weight or other unit used to compute freight charges, the points of origin and destination, and the names of the consignor and consignee.
- b) Information required on the bill of lading. Whenever a bill of lading is issued in compliance with subsection (a) of this Section, the carrier shall show, in addition to the information specified in subsection (a), the following information:

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- 1) The names of the carriers participating in the transportation of the shipment;
 - 2) The name, physical address, and telephone number of the office of the carrier who should be contacted in relation to the shipment, should there be a need for contact;
 - 3) The name, physical address, and telephone number of a person to whom notification provided for in Section 1457.90(e) shall be given, except when this cannot be obtained from the shipper;
 - 4) With regard to pickup and delivery the:
 - A) Agreed pickup date;
 - B) Actual pickup date;
 - C) Agreed delivery date or the agreed period of time within which delivery of the shipment is expected at the final destination;
 - 5) Where applicable, the estimated amount due to the carrier to obtain possession of a Collect on Delivery (C.O.D.) shipment;
 - 6) A statement that, unless the shipper expressly releases the shipment to a value of 30 cents per pound per article, the carrier's maximum liability for loss of or damage to the shipment shall be an amount equal to \$2 for each pound of weight in the shipment or the lump sum value declared by the shipper on this form, whichever is greater.
- c) Issuance of a freight bill. After rendition of the service, all carriers shall issue to the person responsible for payment of freight charges a freight bill indicating the total charge for transportation service.
 - d) The bill of lading and the freight bill may be combined in a single document.
 - e) The bill of lading and freight bill shall each be consecutively numbered.
 - fe) Bill of lading contract terms. The contractual provisions governing shipments under this Part shall include, as implied terms, the provisions in the governing

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tariffs of each carrier.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

Section 1457.610 Estimate of Charges

- a) Estimates of the charges in relation to the transportation of household goods shall be based upon an inspection of the goods or upon a shipper's description of the goods, by telephone or other means, confirmed in writing prior to rendition of the service.
- b) Estimates of the charges in relation to the transportation of household goods shall be on a Commission approved household goods estimate form. The Commission shall approve any form that:
 - 1) Is identified at the top of the first page as an "Estimate of Charges";
 - 2) Identifies on the first page the name of the carrier as it appears on its Commission license, the address of the carrier at which employees of the carrier are on duty during business hours, and the telephone number of the carrier;
 - 3) Identifies on the first page the name of the shipper and receiver and the addresses at which the goods are to be picked up and delivered;
 - 4) Specifies the number of pieces of equipment and personnel to be used for the transportation of the shipment;
 - 5) Specifies, for hourly rated shipments, the number of hours, including travel time, estimated for the transportation of the shipment;
 - 6) Specifies, for weight rated shipments, the weight and distance estimated for the transportation of the shipment;
 - 7) Includes the description and estimated charges for any accessorial services, including packing, packing materials, valuation, storage, warehouse handling or other charges contained within the carrier's lawfully filed tariffs;

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- 8) Specifies the total estimated cost for the transportation of the shipment;
~~and~~
 - 9) Contains an area verifying that a copy of the Commission's consumer guide to household goods moves was provided to the shipper; and
 - 109) Does not contain provisions contrary to this Part.
- c) A signed copy of the estimate shall be delivered to the shipper before rendition of the service, and a copy shall be maintained by the carrier as part of its records.
 - d) If the total tariff charges for any shipment exceed the estimated charges plus 10%, the shipper shall become entitled to credit terms from the carrier tendering the shipment for delivery to cover that portion of the total charges that exceeds 110% of the estimated charges. The carrier, in such event, shall advise the shipper that he/she has up to 30 days to pay these additional charges amounting to the balance between the applicable tariff charges and the estimate for the move plus 10%.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

Section 1457.650 Information Pamphlets for Shippers

Each carrier shall provide to each non-commercial shipper, free of charge, and prior to rendition of service, a copy of the Commission's ~~consumer guide to public information pamphlet for household goods~~ moveshippers.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

SUBPART L: EQUIPMENT LEASES

Section 1457.920 General Leasing Requirements

- a) Leasing permitted only in compliance with this Subpart. Authorized carriers may perform regulated transportation in equipment they do not own only in accordance with this Subpart.
- b) Written lease required. Each lease covered by this Subpart must be in writing.
- c) Parties and signatures. A lease subject to this Subpart must be between the owner

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of the equipment (the lessor) and the licensed carrier to which the equipment, with or without driver, is leased (the lessee). The lease must be signed by each party or its authorized representative.

- d) Filing and review requirements.
- 1) Filing requirement. The original and 2 copies of each completed (signed and dated) lease to which this Subpart applies must be filed with the Commission's Transportation Division at the following address:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62701
 - 2) Filing fee requirement. A filing fee as prescribed in Subpart Q shall be remitted with each lease.
 - 3) No operations shall be conducted under a lease to which this Subpart applies until a copy of the completed lease has been filed with or mailed to the Commission's Transportation Division.
 - 4) Operations may be conducted under the lease after filing or transmittal but before completion of review. A copy of the lease and an attached affidavit stating that the lease has been transmitted to the Commission, indicating the date of transmittal and stating that the lease is under review, are to be carried in the vehicle covered by the lease.
- e) Receipts for equipment. Receipts, specifically identifying the equipment to be leased and stating the date and time of day possession is transferred, shall be given as follows:
- 1) When possession of the equipment is taken by the authorized carrier, it shall give the owner of the equipment a receipt.
 - 2) When possession of the equipment by the authorized carrier ends, it shall give the owner of the equipment a receipt.

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- f) Identification of equipment. Authorized carriers shall identify the leased equipment as being in their service as follows:
- 1) During the period of the lease, the carrier shall identify the equipment by attaching a placard with the identification of the lessee in compliance with Section 18c-4701 of the Law;
 - 2) During the entire period of the lease, a copy of the executed lease shall be carried in each motor vehicle covered by the lease. The lease must bear a Transportation Division stamp showing that the lease was approved or that no deficiency was found or have attached to it the affidavit prescribed in subsection (d)(4).
- g) Records of equipment use. Authorized carriers shall keep records of equipment use as follows:
- 1) General equipment use records. Each authorized carrier shall prepare and keep documents covering each trip for which the equipment is used in the carrier's service. These documents shall contain the name and address of the owner of the equipment, the point of origin, the time and date of departure, and the point of final destination. These documents shall be preserved as part of the carrier's records.
 - 2) Trip lease records. If the equipment is being leased for a period less than 30 days, the authorized carrier shall carry a copy of the lease records described in subsection (g)(1) in the leased equipment while it is operated under the lease. Records carried in the vehicle must also identify the lading.
 - 3) Permanent lease records. If the equipment is being leased for periods of 30 days or more, the authorized carrier may keep the records identifying the lading at its terminals or principal office as part of its records, rather than in the leased equipment.
- h) A copy of the completed written lease shall be retained as part of the carrier/lessee's records.
- i) Cancellation. In the event that a carrier wishes to cancel a lease prior to the expiration date, it may file a notice of cancellation at the address for filing leases

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under Section 1457.920(d)(1). Otherwise, the lease shall remain in effect for purposes of the Law until the expiration date, or the date on which the lease expires by operation of Section 1457.940(a)(2), whichever occurs first. No fee is required for filing a notice of cancellation.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Customer Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
562.10	Amendment
562.20	Amendment
562.30	Amendment
562.40	Amendment
562.60	Amendment
562.APPENDIX A	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)]
- 5) Effective Date of Amendments: February 9, 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) Notices of Proposal Published in the Illinois Register: 30 Ill. Reg. 14044; August 25, 2006
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In the Definition of "Income", changed "Worker's" to "Workers".

In Section 562.30 (a)(2), struck the "below" after "(b)".

In Section 562.60 (a), changed "which" to "that".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking adds and revises language. "Proof of Income" is added to the definitions and defines it to mean the most recent tax return, or current wage records if a tax return has not yet been completed or if the individual's financial status has changed significantly since the last return. Unusual Allowable Expenses shall not be included in the customer Financial Analysis without appropriate documentation. Proof of income must be provided when completing the customer's Financial Analysis. Changes were made to the hearing impaired pre-vocational program at Northern Illinois University to indicate that rules pertaining to financial participation in the Increased Costs Section shall apply to customers in this program. Language is added that customers participating in Graduate School Training must pay their graduate training fee in addition to fees identified through the Financial Analysis. Appendix A is repealed because figures may become obsolete before an amendment to this Section could be completed.
- 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, 3rd 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 [30 ILCS 50/5-25]? 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 REHABILITATIONPART 562
CUSTOMER FINANCIAL PARTICIPATION

Section

562.10	General Applicability
562.20	Definitions
562.30	Financial Analysis Completion
562.40	Financial Participation
562.50	Client Emancipation (Repealed)
562.60	Consideration of Settlements from Litigation or Other Sources
562.70	Refusal to Financially Participate (Repealed)
562.80	Timing of Financial Analysis (Repealed)
562.90	Impact of Review of Financial Analysis
562.100	Exclusion for Public Aid Recipients (Repealed)
562.TABLE A	Determination Table for Client Participation (Repealed)
562.APPENDIX A	Standard Budget Allowances (Repealed)

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11676, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20356, effective November 15, 1993; amended at 19 Ill. Reg. 8803, effective June 20, 1995; amended at 21 Ill. Reg. 4833, effective April 1, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1386, effective January 14, 1999; amended at 23 Ill. Reg. 13082, effective October 6, 1999; amended at 27 Ill. Reg. 12588, effective July 21, 2003; amended at 31 Ill. Reg. 3178, effective February 9, 2007.

Section 562.10 General Applicability

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Rules contained within this Part are applicable to all Department of Human Services-[DivisionOffice](#) of Rehabilitation Services (DHS-[DRSORS](#)) Vocational Rehabilitation (VR) customers.

(Source: Amended at 31 Ill. Reg. 3178, effective February 9, 2007)

Section 562.20 Definitions

For the purposes of this Part, the following terms shall have the following meanings:

Customer Financial Analysis (IL 488-0265) (Financial Analysis) – the form developed by DHS-[DRSORS](#) to determine customer and family financial participation.

Customer Financial Participation – the amount of money, as determined by the completion of the Financial Analysis, that a customer and/or the customer's family must contribute to the cost of services and the amount of any voluntary contributions the customer and/or his/her family wish to contribute to the cost of services.

Dependent – a customer who receives half or more of his/her support from the family; however, customers receiving training service at an institution that participates in the federal assistance program, dependency of the customer shall be verified by information contained in the Free Application for Federal Student Aid (FAFSA).

Family – for the purpose of identifying those individuals included in the family when completing the Financial Analysis, the term "family" shall include the customer and all other family members. A family member is anyone who resides in the same household and is related to the customer by blood or marriage or has a close interpersonal relationship with the customer.

Income – all earned and other income from all sources, including all types of public support; wages, tips; disability payments; [Workers'Worker's](#) Compensation; interest or dividends from investments, savings, trust funds, certificates of deposit, etc.; child support, spousal support; income from rental and leased property; and private sources. The value of readily available assets (i.e., cash-on-hand, checking accounts, savings accounts, certificates of deposit, stocks, bonds, accessible trust funds) shall not be considered as income for the

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purpose of completion of the Financial Analysis, unless those assets have been established for the support or training of the customer.

Proof of Income – the portion of the most recent tax return that contains the adjusted gross income and the signature of the person submitting the return. Proof of income must be provided for each individual included in the definition of family. An estimated annual income will be calculated based on current wage records if an annual federal tax return has not yet been completed or if the financial status has significantly changed since the last submitted tax return.

Services – those services provided by and through DHS-~~DRSORS~~ to customers of the Vocational Rehabilitation Program VR and as described at 89 Ill. Adm. Code 590 – Services.

Standard Budget Allowance (SBA) – a figure equal to 70% of the State Median Income figures established by the Office of Community Programs of the United States Department of Health and Human Services that are published annually in the Federal Register.

Unusual Allowable Expenses – expenses directly related to the customer's or other family member's disability, such as on-going medical treatment, medication, adaptive equipment, a one-time allowance for the purchase of a van or van modification and rehabilitation technology services, that are currently being paid by the customer and/or customer's family that are not paid for through insurance or any other source and/or cost associated with another family member attending post-secondary education that are paid by the family. Unusual Allowable Expenses shall not be included in the customer Financial Analysis without appropriate documentation of each expense.~~not paid by any other source.~~

(Source: Amended at 31 Ill. Reg. 3178, effective February 9, 2007)

Section 562.30 Financial Analysis Completion

- a) The following factors will be considered in completing the Financial Analysis:
 - 1) No Financial Analysis shall be completed for a customer who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act.
 - 2) Unless the services provided to the customer are exempt from financial

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participation as listed in subsection (b) ~~below~~, all customers seeking services through DHS-~~DRSORS~~ and, when appropriate, the customer's family must complete the Financial Analysis and participate in the cost of services as indicated by the Financial Analysis. The level of the customer's or family's participation in non-exempt services shall be determined by the Financial Analysis.

- 3) In completing the customer's Financial Analysis, the customer's income shall be calculated. The customer's family's income shall be used when the customer is married or the customer is a dependent. Proof of income must be provided and retained for each individual.
- b) Customer financial participation shall be required for all services except the following:
- 1) evaluation of rehabilitation potential, including the evaluation component of the Helen Keller National Center, Sand-Point NY. This includes room and board and transportation;
 - 2) services or instruction provided directly by DHS-~~DRSORS~~ staff or in a DHS-~~DRSORS~~ managed facility/institution;
 - 3) assessment and placement through any approved community rehabilitation program (89 Ill. Adm. Code 530);
 - 4) the evaluation, vocational, and academic fees related to participation in the work/study component of the summer program and the nine-month hearing impaired pre-vocational program at Northern Illinois University. Rules pertaining to financial participation in the Increased Costs section shall apply to customers participating in this program (89 Ill. Adm. Code 590.660 and 590.670);
 - 5) services provided through the Bureau of Blind Service's transition program (Transvision) or the Secondary Transitional Experience Program (STEP) (89 Ill. Adm. Code 590: Subpart L);
 - 6) on-the-job training (OJT);
 - 7) job coaching services; and

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- 8) interpreter, reader, attendant, and note taker services.

(Source: Amended at 31 Ill. Reg. 3178, effective February 9, 2007)

Section 562.40 Financial Participation

- a) The Financial Analysis must be completed prior to the initiation of the IPE (89 Ill. Adm. Code 572) unless the IPE developed for the customer includes only those services exempt from financial participation as listed in Section 562.30(b) of this Part.
- b) The Financial Analysis must be readministered at least annually and at any time there is reason to believe there is a change in the customer's financial situation that will affect customer financial participation.
- c) The Financial Analysis is completed by adding all customer and family income, subtracting the SBA for a family the size of the customer's family, and subtracting Unusual Allowable Expenses. The final product of these calculations shall be divided by two to determine the amount of required customer financial participation, if any. For customers participating in Graduate School Training, the customer's graduate training fee will be in addition to this amount (89 Ill. Adm. Code 590.240).
- d) The customer and/or customer's family will also be asked, as part of the completion of the Financial Analysis, for voluntary financial participation they are willing to make towards the cost of the customer's rehabilitation.
- e) Failure on the part of the customer and/or the customer's family to cooperate in the completion of the Financial Analysis or participate in the cost of services, if participation is indicated, shall be reason for DHS-~~DRSORS~~ to deny all services except those listed in Section 562.30(b) of this Part.
- f) Falsification by the customer and/or the customer's family of information used to complete the Financial Analysis shall be grounds for immediate termination of services through DHS-~~DRSORS~~ and may result in DHS-~~DRSORS~~ taking legal action to recoup monies previously expended by DHS-~~DRSORS~~ in providing services to the customer.

(Source: Amended at 31 Ill. Reg. 3178, effective February 9, 2007)

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Section 562.60 Consideration of Settlements from Litigation or Other Sources

- a) DHS-~~DRSORS~~ may, at its discretion, seek reimbursement for previously provided services from a customer when a judgement is issued or a settlement is agreed upon ~~that~~^{which} is a direct result of the litigation or other action related to the customer's disability and for which the services provided by DHS-~~DRSORS~~ were judged or agreed compensable.
- b) The rehabilitation counselor/instructor must inform the DHS Office of the General Counsel-~~ORS Legal Division~~ of any known workers' compensation~~Workers' Compensation~~ proceedings or other litigation in which services provided by DHS-~~DRSORS~~ are a measure of damages.

(Source: Amended at 31 Ill. Reg. 3178, effective February 9, 2007)

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Section 562.APPENDIX A Standard Budget Allowances (Repealed)

~~The Standard Budget Allowances (SBAs) are as follows:~~

Family Size	Annual Allowance
1	\$35,421
2	\$46,300
3	\$57,218
4	\$68,117
5	\$79,016
6	\$89,914
7	\$91,958
8	\$94,001
9	\$96,045
10	\$98,088
11	\$100,132
12	\$102,176

~~For families with more than 12 members, \$2044 is added for each additional member over 12.~~

(Source: Repealed at 31 Ill. Reg. 3178, effective February 9, 2007)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Comparable Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3) Section Number: 567.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b)
- 5) Effective Date of Amendment: February 9, 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: 30 Ill. Reg. 13257; August 11, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 567.20 (c), added "Medicaid" before "eligibility".
- 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 rule making 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 requires individuals who request medical or physical restoration services to make formal application for Medicaid benefits and complete the process to determine eligibility for Medicaid benefits. Changes are also made to language to better define the meaning of merit scholarships and awards.

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- 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, 3rd 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 [30 ILCS 50/5-25]? 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 b: VOCATIONAL REHABILITATIONPART 567
COMPARABLE BENEFITS

Section

567.10	General Applicability
567.20	Definition of Comparable Benefits
567.30	Exceptions to Comparable Benefits
567.100	Refusal of Comparable Benefits

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).

SOURCE: Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019, effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12, 1989; amended at 13 Ill. Reg. 18933, effective November 16, 1989; amended at 15 Ill. Reg. 6617, effective April 18, 1991; amended at 17 Ill. Reg. 149, effective December 18, 1992; emergency amendments at 17 Ill. Reg. 11696, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20375, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1381, effective January 14, 1999; emergency amendment at 24 Ill. Reg. 10358, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17733, effective November 27, 2000; amended at 27 Ill. Reg. 12598, effective July 21, 2003; amended at 31 Ill. Reg. 3187, effective February 9, 2007.

Section 567.20 Definition of Comparable Benefits

- a) A comparable benefit is a service that is available at the time the service is needed by a customer and is used to determine eligibility (89 Ill. Adm. Code 553) or to achieve the vocational goal and objectives specified in the customer's Individualized Plan for Employment (IPE) (89 Ill. Adm. Code 572) that, when provided to DHS-~~DRSORS~~ customers by a public or private agency or agencies other than DHS-~~DRSORS~~, offset costs which would otherwise be paid by DHS-~~DRSORS~~ or the customer.

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- b) When a customer is requesting DHS-~~DRSORS~~ to cover training related services, except for those services that are exempt from financial participation (89 Ill. Adm. Code 562.30) in an institution of higher education, the customer shall make formal application for federal assistance by completing the Free Application for Federal Student Aid (FAFSA) and provide proof (or denial) of financial award and the amount of the award before the customer's IPE can be implemented. An IPE for services to prepare and assist the customer in applying for comparable benefits may be developed at any time. Failure of the customer to apply for comparable benefits shall result in the denial of services (89 Ill. Adm. Code 567.100).
- c) Customers requesting medical services or physical restoration services shall make formal application for Medicaid benefits and complete the process to determine Medicaid eligibility, ~~or who are requesting long term training (training expected to last in excess of 24 months) shall apply for Medicaid benefits~~. Eligibility, or ineligibility, for Medicaid benefits shall not, in any way, affect the eligibility for Vocational Rehabilitation services from DHS-~~DRSORS~~.
- d) ~~Monetary~~Private monetary merit awards, contributions and gifts that are specific or restricted as to use shall be used as intended (e.g., scholarships earmarked for use for college tuition costs or general college expenses) and are an available comparable benefit or service that reduces the customer's need for those services from DHS-~~DRSORS~~. Unrestricted scholarships and awards based on merit do not constitute comparable benefits.~~Scholarships and awards given in recognition of an individual's excellence, outstanding achievement, or superior ability and that are not designated for specific purposes do not constitute comparable benefits.~~
- e) While a customer will not be discouraged from applying for loans (i.e., student loans) to assist in the completion of his/her rehabilitation program, he/she shall not be required to accept such loans. Such loans are not comparable benefits.

(Source: Amended at 31 Ill. Reg. 3187, effective February 9, 2007)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 16
- 3) Section Number: 16.APPENDIX A Adopted Action: Amend
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Amendment: February 9, 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 Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 18095; November 17, 2006
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements 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 Amendment: By this Notice, the Department has amended Section 16.Appendix A to add numerous publicly-owned airports to the Part. This Part prescribes requirements for administration and enforcement that restrict the height of structures, equipment, and vegetation, and that regulate the use of property on or in the vicinity of publicly-owned airports. The following airports are now covered under this Part: Greater Beardstown Airport (K06), Olney-Noble Airport (OLY), Lawrenceville-

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

Vincennes Airport (LWV), Carmi Municipal Airport (CUL), Dixon Municipal Airport (C73), and Chicago O'Hare International Airport (ORD).

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 16
AIRPORT HAZARD ZONING

Section

16.10	Purpose and Scope
16.20	Applicability
16.30	Definitions
16.35	Public Hearings
16.40	Surfaces and Height Limitations
16.50	Horizontal Surface
16.60	Conical Surface
16.70	Primary Surface
16.80	Approach Surface
16.90	Transitional Surfaces
16.100	Circling Approach Surface
16.110	Instrument Approach Obstruction Clearance Surface
16.120	Heliport/Vertiport Surfaces
16.130	Use Restrictions
16.140	Pre-Existing, Non-Conforming Uses (Grandfather Clause)
16.150	Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed
16.160	Notice of Construction or Alteration of Any Structure
16.170	Permits
16.180	Variances
16.190	Administrative and Judicial Review
16.200	Penalties
16.210	Conflicting Regulations
16.220	Severability
16.APPENDIX A	Applicable Airports
16.ILLUSTRATION A	Airports Imaginary Surfaces
16.ILLUSTRATION B	Airports (Public- or Private-Use) Minimum Dimensional Standards
16.ILLUSTRATION C	Obstruction Standards (= 6 Nautical Miles)
16.ILLUSTRATION D	Obstruction Standards (> 6 Nautical Miles)
16.ILLUSTRATION E	Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

AUTHORITY: Implementing and authorized by the Airport Zoning Act [620 ILCS 25].

SOURCE: Adopted at 28 Ill. Reg. 2421, effective January 26, 2004; amended at 29 Ill. Reg. 12529, effective July 27, 2005; amended at 30 Ill. Reg. 14117, effective August 10, 2006; amended at 31 Ill. Reg. 3191, effective February 9, 2007.

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NOTICE OF ADOPTED AMENDMENT

Section 16.APPENDIX A Applicable Airports

Airport	City	County	ARP Latitude	ARP Longitude	Fed Std.	State Std.	Applicable Date
SPI	Springfield	Sangamon	39-50.64	89-40.66	X		Jan. 26, 2004
MLI	Moline	Rock Island	41-26.91	90-30.45	X		July 29, 2005
SQI	Sterling-Rock Falls	Whiteside	41-44.57	89-40.58	X		July 29, 2005
SLO	Salem	Marion	38-38.57	88-57.85	X		July 29, 2005
H96	Benton	Franklin	38-00.41	88-56.07	X		Sept. 15, 2006
CIR	Cairo	Alexander	37-03.87	89-13.18	X		Sept. 15, 2006
CTK	Canton	Fulton	40-34.15	90-04.49	X		Sept. 15, 2006
DEC	Decatur	Macon	39-50.08	88-51.94	X		Sept. 15, 2006
DKB	DeKalb	DeKalb	41-56.02	88-42.34	X		Sept. 15, 2006
GBG	Galesburg	Knox	40-56.28	90-25.87	X		Sept. 15, 2006
HSB	Harrisburg	Saline	37-48.69	88-32.95	X		Sept. 15, 2006
IJX	Jacksonville	Morgan	39-46.48	90-14.30	X		Sept. 15, 2006
JOT	Joliet	Will	41-31.08	88-10.52	X		Sept. 15, 2006
EZI	Kewanee	Henry	41-12.31	89-57.83	X		Sept. 15, 2006
IGQ	Lansing	Cook	41-32.09	87-31.77	X		Sept. 15, 2006
MWA	Marion	Williamson	37-45.30	89-00.67	X		Sept. 15, 2006
MTO	Mattoon	Coles	39-28.68	88-16.75	X		Sept. 15, 2006
PRG	Paris	Edgar	39-42.01	87-40.17	X		Sept. 15, 2006
3MY	Peoria	Peoria	40-47.72	89-36.80	X		Sept. 15, 2006
PIA	Peoria	Peoria	40-39.86	89-41.60	X		Sept. 15, 2006
VYS	Peru	LaSalle	41-21.11	89-09.19	X		Sept. 15, 2006
LOT	Romeoville	Will	41-36.44	88-05.77	X		Sept. 15, 2006
DPA	West Chicago	DuPage	41-54.47	88-14.92	X		Sept. 15, 2006
<u>K06</u>	<u>Beardstown</u>	<u>Cass</u>	<u>39-58.40</u>	<u>90-24.22</u>	<u>X</u>		<u>Feb. 28, 2007</u>
<u>OLY</u>	<u>Olney</u>	<u>Richland</u>	<u>38-43.31</u>	<u>88-10.59</u>	<u>X</u>		<u>Feb. 28, 2007</u>
<u>LWV</u>	<u>Lawrenceville</u>	<u>Lawrence</u>	<u>38-45.86</u>	<u>87-36.33</u>	<u>X</u>		<u>Feb. 28, 2007</u>
<u>CUL</u>	<u>Carmi</u>	<u>White</u>	<u>38-05.38</u>	<u>88-07.38</u>	<u>X</u>		<u>Feb. 28, 2007</u>
<u>C73</u>	<u>Dixon</u>	<u>Lee</u>	<u>41-50.02</u>	<u>89-26.77</u>	<u>X</u>		<u>Feb. 28, 2007</u>
<u>ORD</u>	<u>Chicago</u>	<u>Cook</u>	<u>41-58.72</u>	<u>87-54.29</u>	<u>X</u>		<u>Feb. 28, 2007</u>

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NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 31 Ill. Reg. 3191, effective February 9, 2007)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Carmi Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 26
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
26.5	Repeal
26.10	Repeal
26.20	Repeal
26.30	Repeal
26.40	Repeal
26.50	Repeal
26.60	Repeal
26.70	Repeal
26.80	Repeal
26.90	Repeal
26.100	Repeal
26.110	Repeal
26.120	Repeal
26.130	Repeal
26.140	Repeal
26.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: February 9, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 18101; November 17, 2006
- 10) Has JCAR issued a Statement of Objection to this repealer? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Carmi Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16 which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/ 524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Chicago-O'Hare International Airport Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 28
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
28.5	Repeal
28.10	Repeal
28.20	Repeal
28.30	Repeal
28.40	Repeal
28.50	Repeal
28.60	Repeal
28.70	Repeal
28.80	Repeal
28.90	Repeal
28.100	Repeal
28.110	Repeal
28.120	Repeal
28.130	Repeal
28.140	Repeal
28.150	Repeal
28.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: February 9, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 18120; November 17, 2006
- 10) Has JCAR issued a Statement of Objection to this repealer? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Chicago O'Hare International Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16 which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/ 524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Lawrenceville-Vincennes Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 56
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
56.5	Repeal
56.10	Repeal
56.20	Repeal
56.30	Repeal
56.40	Repeal
56.50	Repeal
56.60	Repeal
56.70	Repeal
56.80	Repeal
56.90	Repeal
56.100	Repeal
56.110	Repeal
56.120	Repeal
56.130	Repeal
56.140	Repeal
56.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: February 9, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 18135; November 17, 2006
- 10) Has JCAR issued a Statement of Objection to this repealer? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Lawrenceville-Vincennes Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16 which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/ 524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Olney-Noble Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 72
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
72.5	Repeal
72.10	Repeal
72.20	Repeal
72.30	Repeal
72.40	Repeal
72.50	Repeal
72.60	Repeal
72.70	Repeal
72.80	Repeal
72.90	Repeal
72.100	Repeal
72.110	Repeal
72.120	Repeal
72.130	Repeal
72.140	Repeal
72.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: February 9, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 18154; November 17, 2006
- 10) Has JCAR issued a Statement of Objection to this repealer? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Olney-Noble Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16 which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/ 524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Dixon Municipal Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 97
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
97.10	Repeal
97.20	Repeal
97.30	Repeal
97.40	Repeal
97.50	Repeal
97.60	Repeal
97.70	Repeal
97.80	Repeal
97.90	Repeal
97.100	Repeal
97.110	Repeal
97.120	Repeal
97.130	Repeal
97.140	Repeal
97.EXHIBIT A	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 17 of the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: February 9, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 18173; November 17, 2006
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 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 repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Dixon Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16 which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/ 524-1580

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION AND FILING PROHIBITION

DEPARTMENT OF AGRICULTURE

Heading of the Part: Animal Welfare Act

Code Citation: 8 Ill. Adm. Code 25

Section Numbers: 25.10 25.50
25.20 25.60
25.30 25.90
25.40 25.130
25.45 25.160
25.47

Date Originally Published in the Illinois Register: 9/15/06
30 Ill. Reg. 14664

At its meeting on February 6, 2007, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the Objection and Prohibition is as follows:

JCAR objected to, and prohibited the filing of, the Department of Agriculture's rulemaking titled Animal Welfare Act (8 Ill. Adm. Code 25; 30 Ill. Reg. 14664) because the rulemaking inadequately describes the need for this new regulatory activity and no further verbal information could be provided by the Agency at this time. Adoption of this rulemaking without a clear understanding of its purpose could pose a threat to the public interest. The Filing Prohibition will provide an opportunity for further consideration of this issue by the Committee and further explanation by the Department.

The proposed rule may not be filed with the Secretary of State or enforced by the Department of Agriculture for any reason following receipt of this certification and statement by the Secretary of State for as long as the Filing Prohibition remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION TO
EMERGENCY RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Pay Plan

Code Citation: 80 Ill. Adm. Code 310

Section Numbers: 310.50 310.500
310.80 310.530
310.100 310.546
310.260 310.APPENDIX A TABLE J
310.280 310.APPENDIX A TABLE Q
310.290 310.APPENDIX A TABLE W
310.295 310.APPENDIX A TABLE V
310.410 310.APPENDIX B
310.450 310.APPENDIX C
310.490 310.APPENDIX D
310.495 310.APPENDIX G

Date Originally Published in the Illinois Register: 1/12/07
31 Ill. Reg. 1483

At its meeting on February 6, 2007, the Joint Committee on Administrative Rules recommended that, if the Department of Central Management Services intends to require that any particular policies be followed by agencies in distributing merit compensation employees into performance categories for the determination of increases and/or bonuses, it include those policies in its permanent rulemaking (80 Ill. Adm. Code 310; 31 Ill. Reg. 344).

Failure of the agency to respond within 90 days after receipt of the Statement of Recommendation shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF LABOR

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Six Day Week Law
- 2) Code Citation: 56 Ill. Adm. Code 220
- 3)

<u>Section Numbers:</u>	<u>Action:</u>
220.100	Withdrawal
220.105	Withdrawal
220.125	Withdrawal
220.135	Withdrawal
220.145	Withdrawal
220.305	Withdrawal
220.315	Withdrawal
220.320	Withdrawal
220.325	Withdrawal
220.400	Withdrawal
220.405	Withdrawal
220.800	Withdrawal
220.805	Withdrawal
220.810	Withdrawal
220.900	Withdrawal
220.905	Withdrawal
220.910	Withdrawal
220.915	Withdrawal
220.920	Withdrawal
220.925	Withdrawal
220.930	Withdrawal
220.935	Withdrawal
220.940	Withdrawal
220.1000	Withdrawal
220.1100	Withdrawal
220.1105	Withdrawal
- 4) Date Notice of Proposed Rules Published in the Register: November 28, 2005; 29 Ill. Reg. 19106
- 5) Date JCAR Statement of Objection Published in the Register: December 1, 2006; 30 Ill. Reg. 18793

DEPARTMENT OF LABOR

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES6) Summary of Action Taken by the Agency:

The Illinois Department of Labor (IDOL) is withdrawing the proposed amendments because the agency is currently a party in two pending lawsuits regarding the constitutionality of the hotel room amendment that is the subject of these rules. [Illinois Hotel and Lodging Association v. Art Ludwig, et al., 05 CH 13796 (Cook County); 520 South Michigan Avenue Associates, Ltd., d/b/a The Congress Plaza Hotel & Convention Center v. Art Ludwig, et al., 06 C 4552 (US Dist. Court, Northern District)]. In addition, the proposed amendments are not necessary to IDOL's enforcement of P.A. 94-0593 since the hotel room attendant requirements can be enforced through the current statute. Therefore, IDOL is withdrawing the amendments.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 6, 2007 through February 13, 2007 and have been scheduled for review by the Committee at its March 13, 2007 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
3/22/07	<u>Department of Transportation</u> , Nonscheduled Bus Inspections (92 Ill. Adm. Code 456)	12/22/06 30 Ill. Reg. 19456	3/13/07
3/29/07	<u>Department of Public Health</u> , Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)	12/1/06 30 Ill. Reg. 18449	3/13/07
3/29/07	<u>Department of Public Health</u> , Sheltered Care Facilities Code (77 Ill. Adm. Code 330)	12/1/06 30 Ill. Reg. 18477	3/13/07
3/29/07	<u>Department of Public Health</u> , Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)	12/1/06 30 Ill. Reg. 18502	3/13/07
3/29/07	<u>Department of Public Health</u> , Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)	12/1/06 30 Ill. Reg. 18523	3/13/07
3/29/07	<u>Department of Public Health</u> , Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)	12/1/06 30 Ill. Reg. 18549	3/13/07
3/29/07	<u>Department of Public Health</u> Ambulatory Surgical Treatment Center Licensing	10/13/06 30 Ill. Reg.	3/13/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Requirements (77 Ill. Adm. Code 205)

16185

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE RESCINDED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking of the State of Illinois has rescinded the fine of \$25,000, Order No. 2006-MBR-10 dated March 31, 2006 against 1st Liberty Banc, Inc., License No. MB.0005343 of Norridge, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 11, 2007. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE RESCINDED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking of the State of Illinois has rescinded the fine of \$25,000, Order No. 2006-MBR-11 dated April 3, 2006 against 1st Liberty Banc, Inc., License No. MB.0005343 of Norridge, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 11, 2007. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF CONSENT ORDER UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking of the State of Illinois has issued a fine of \$10,000 per Consent Order No. 2006-MBR-52, against 1st Liberty Banc, Inc., License No. MB.0005343 of Norridge, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 11, 2007. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$3,000 against A V A Financial Corporation, License No. MB.0005409 of Roselle, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 31, 2007. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of Gettysburg Mortgage Company, LLC, License No. MB.0006668 of Arlington Heights, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 31, 2007. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of J 2 Mortgage, License No. MB.0006802 of Algonquin, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 31, 2007. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$5,000 against Kingsway Financial Group, Inc., License No. MB.0006677 of Aurora, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 31, 2007. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of The Mortgage Authority, LLC, License No. MB.0006847 of Deerfield, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 31, 2007. For further reference link to: www.idfpr.com

PROCLAMATIONS

2007-29**SCHOOL SOCIAL WORK WEEK**

WHEREAS, every day, millions of parents entrust the education of their children to thousands of classroom teachers at hundreds of schools all across the state. Unfortunately, teaching is not easy when there are many distractions; and

WHEREAS, in addition to contending with personal and family problems that have always accompanied children, classroom teachers now have to compete with technology such as cell phones, computers, and television; and

WHEREAS, indeed, it is more difficult to engage children in the classroom today than ever before. That is why the role of school social workers is more important today than ever before; and

WHEREAS, school social workers have the critically important job of helping classroom teachers provide the best education possible. They do so by offering a number of services to children such as academic assistance, conflict resolution, crisis intervention, group counseling, and coordination of school and community health resources; and

WHEREAS, school social workers also serve as a link between schools and parents when classroom teachers have not been able to reach them through normal channels. In all, there are more than 1,500 school social workers in Illinois; and

WHEREAS, for the past 20 years, the Governor of the State of Illinois has proclaimed a week in March to commend and honor school social workers in our state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-10, 2007 as **SCHOOL SOCIAL WORK WEEK** in Illinois in recognition of school social workers for their essential and vital support of classroom teachers and their commitment and dedication to the well-being of children.

Issued by the Governor on February 6, 2007.

Filed by the Secretary of State February 9, 2007.

2007-30**CHILDREN'S DENTAL HEALTH MONTH**

WHEREAS, over 50 years ago, National Children's Dental Month was initiated in an effort to inform families of the importance of good dental habits; and

PROCLAMATIONS

WHEREAS, oral health is an important part of a person's overall health. Bad dental cleaning habits can lead to problems in other parts of the body; and

WHEREAS, good health can be achieved in part through good dental habits learned early and reinforced throughout life; and

WHEREAS, even though oral health is considered an important part of a daily routine by most families, one in ten children ages five to eleven has never visited a dentist; and

WHEREAS, with daily brushing and flossing, a healthy diet, and regular dental visits, a child could have a healthy smile for a lifetime. Under Illinois law, dental exams are required for children in kindergarten, second, and sixth grades; and

WHEREAS, in a joint effort with the public, community dentists and children's organizations play a valuable role in teaching children the importance of proper oral health:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2007 as **CHILDREN'S DENTAL HEALTH MONTH** in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor on February 6, 2007.

Filed by the Secretary of State February 9, 2007.

2007-31
ILLINOIS ARTS WEEK

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

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

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

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

PROCLAMATIONS

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

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7 – 13, 2007 as **ILLINOIS ARTS WEEK** and urge all citizens to demonstrate their appreciation for the arts and the rich cultural experience it provides for our state.

Issued by the Governor on February 6, 2007.

Filed by the Secretary of State February 9, 2007.

2007-32
NIGHT OF 100 STARS

WHEREAS, the DuSable Museum of African American History, the oldest independent institution of its kind in the country, is dedicated to the collection, preservation, interpretation and dissemination of the history and culture of Americans of African descent; and

WHEREAS, in 1992, the DuSable Museum culminated the celebration of its 30th Anniversary by instituting the African American HistoryMakers Awards; and

WHEREAS, the HistoryMakers Awards salute African American Chicagoans for their outstanding contributions to society through their professions and civic responsibilities. Honorees are inducted into the DuSable Museum's "Chicago African American HistoryMakers Gallery of Greats"; and

WHEREAS, this year's HistoryMakers include: Marv Dyson, Award-winning radio executive and businessman; Dorothy R. Leavell, Publisher of the Chicago and Gary Crusader Newspapers; Stan Shaw, NAACP Image-Award winning actor; Lester and Nancy McKeever, Power Couple; Timothy and Sandra Rand, Power Couple; and

WHEREAS, the 2007 Chicago African American HistoryMakers will be honored on February 17, 2007, during the "Night of 100 Stars – Chicago African American HistoryMakers Awards" gala:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 17, 2007 as the **NIGHT OF 100 STARS** in Illinois, and encourage all citizens to join in honoring this year's HistoryMakers.

PROCLAMATIONS

Issued by the Governor on February 7, 2007.
Filed by the Secretary of State February 9, 2007.

2007-33
FFA WEEK

- WHEREAS, agriculture is Illinois' largest and most productive industry, and is vital to the economic success and future prosperity of the State; and
- WHEREAS, agricultural education prepares 26,000 students for careers in agriculture, with hands-on learning experiences in science, business, and technology; and
- WHEREAS, FFA is the largest career and technical student organization in the Illinois, preparing students for premier leadership, personal growth and, career success; and
- WHEREAS, the Illinois Association FFA has positively influenced the lives of rural and urban FFA members, parents, educators, and business and community leaders; and
- WHEREAS, seventy-nine years of positive FFA influence have benefited over one millions Illinois students; and
- WHEREAS, the 2006-2007 state theme, "Illinois Association FFA – the Key to Success," is a fitting tribute to the FFA's terrific efforts within Illinois and across the country; and
- WHEREAS, a week in February has been designated as National FFA Week throughout the United States, Puerto Rico and the Virgin Islands, and Illinois proud to join in this spirited observance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of February 17-24, 2007 as **FFA WEEK** in Illinois, and encourage citizens to recognize and encourage agricultural education programs and students in Illinois, and support the ideals of the Illinois Association FFA.

Issued by the Governor on February 7, 2007.
Filed by the Secretary of State February 9, 2007.

2007-34
COALITION FOR THE REMEMBRANCE OF ELIJAH MUHAMMAD DAY

PROCLAMATIONS

- WHEREAS, the Coalition for the Remembrance of Elijah Muhammad (C.R.O.E.) is celebrating their 20th Anniversary Founders' Day on February 12, 2007; and
- WHEREAS, C.R.O.E. was founded in 1987 by Halif Muhammad, Shahid Muslim and Munir Muhammad, all of whom still serve the organization; and
- WHEREAS, C.R.O.E. TV Productions has expanded their public affairs television show into 3 new markets and the worldwide web; and
- WHEREAS, the Coalition for the Remembrance of Elijah Muhammad continues to be an important voice in both the African-American community and among the general public:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 11, 2007 as **COALITION FOR THE REMEMBRANCE OF ELIJAH MUHAMMAD DAY** in Illinois, and encourage citizens to recognize the organization's twenty years of service to Illinois citizens.

Issued by the Governor on February 8, 2007.

Filed by the Secretary of State February 9, 2007.

2007-35**LUNAR NEW YEAR CELEBRATION DAY**

- WHEREAS, this year, February 18 is the first day of the Lunar New Year, the Year of the Boar, also known as Chinese New Year or Spring Festival. The Chinese calendar has been in continuous use for centuries, predating the international calendar that we use at the present day, which goes back only some 425 years; and
- WHEREAS, the Chinese calendar measures time from short durations of minutes and hours to intervals of time measured in months, years, and centuries that are entirely based on the astronomical observations of the movement of the sun, the moon, and the stars; and
- WHEREAS, New Year's Eve and New Year's Day are celebrated as a family affair, a time of reunion and thanksgiving. Traditionally, the celebration was highlighted with a religious ceremony given in honor of Heaven and Earth, the gods of the household and the family ancestors; and
- WHEREAS, the sacrifice to the ancestors, the most vital of all the rituals, united the living members with those who had passed away. Departed relatives are remembered

PROCLAMATIONS

with great respect because they were responsible for laying the foundations for the fortune and glory of the family; and

WHEREAS, today, the presence of the ancestors is acknowledged on New Year's Eve with a dinner arranged for them at the family banquet table. The spirits of the ancestors, together with the living, celebrate the onset of the New Year as one great community. The communal feast, called "surrounding the stove" or weilu, symbolizes family unity and honors the past and present generations; and

WHEREAS, Lunar New Year celebrations will commence on February 18 with celebrations all throughout Chicagoland:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 18, 2007 as **LUNAR NEW YEAR CELEBRATION DAY** in Illinois in recognition of this important holiday for Asian-Americans, and encourage all citizens to join in this wonderful cultural tradition by celebrating the Lunar New Year with friends and family.

Issued by the Governor on February 8, 2007.

Filed by the Secretary of State February 9, 2007.

2007-36**NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK**

WHEREAS, in 1978, Veterans' Affairs (VA) took over sponsorship of a program, the annual VA National Salute program, which was started in 1974 by No Greater Love, Inc., a humanitarian organization; and

WHEREAS, this program seeks to honor hospitalized veterans, increase community awareness of the VA's role in providing comprehensive medical care to the Nation's veterans, and to encourage Americans to visit hospitalized veterans and work as VA volunteers; and

WHEREAS, through the generations, America's men and women in uniform have defeated tyrants, liberated continents, and set a standard of courage and idealism for the entire world; and

WHEREAS, to protect the Nation they love, our veterans stepped forward when America needed them most. In answering history's call with honor, decency, and resolve, our veterans have shown the power of liberty and earned the respect and admiration of a grateful Nation; and

PROCLAMATIONS

WHEREAS, all of America's veterans have placed our Nation's security before their own lives, creating a debt that we can never fully repay. Our veterans represent the best of America, and they deserve the best America can give them; and

WHEREAS, as we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and

WHEREAS, during the week of February 12th to 18th, local celebrities, youth groups, members of the general public, and veterans service organizations will visit patients at VA medical centers, nursing homes, state veterans homes, and other facilities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 12-18, 2007 as **NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK** in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor on February 8, 2007.

Filed by the Secretary of State February 9, 2007.

ILLINOIS ADMINISTRATIVE CODE

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