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AGENCIES



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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 preemptory 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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 2010
12	March 8, 2010	March 19, 2010
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2010	June 11, 2010
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
43	October 12, 2010	October 22, 2010
44	October 18, 2010	October 29, 2010
45	October 25, 2010	November 5, 2010
46	November 1, 2010	November 12, 2010
47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.47	Amendment
310.APPENDIX A TABLE D	Amendment
310.APPENDIX A TABLE E	Amendment
310.APPENDIX A TABLE F	Amendment
310.APPENDIX A TABLE Q	Amendment
310.APPENDIX A TABLE X	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.47, the Police Lieutenant title's in-hiring rate \$3,450 is removed. The Police Lieutenant, title code 32977, is assigned to the MS-31 salary range and VR-704-24 pay grade. The minimum rate in both the salary range and pay grade are above \$3,450 so that the in-hiring rate is no longer needed.

In Section 310.Appendix A Table D, the Highway Maintainer (Snowbirds) received a 2.5% increase to \$3,664 effective January 1, 2010 in the Memorandum of Agreement between the Departments of Central Management Services and Transportation and the State and Municipal Teamsters, Chauffeurs and Helpers Union, Local 726, affiliated with the International Brotherhood of Teamsters, signed November 24, 2009.

In Section 310.Appendix A Table E, the Highway Maintainer (Snowbirds) received a 2.5% increase to \$3,664 effective January 1, 2010 in the Memorandum of Agreement between the Departments of Central Management Services and Transportation and Local 330, General Chauffeurs, Sales Drivers and Helpers (Fox Valley), signed November 22, 2009.

In Section 310.Appendix A Table F, the Highway Maintainer (Snowbirds) received a 2.5% increase to \$3,664 effective January 1, 2010 in the Memorandum of Agreement between the Departments of Central Management Services and Transportation and the Illinois Conference of Teamsters (Downstate), signed November 10, 2009. The Highway Maintenance Lead Worker title (title code 18659) RC-019Q hourly rate effective January 1, 2010 is corrected to \$31.92.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.Appendix A Table Q, while the economic impact statement for the preemptory amendments at 33 Ill. Reg. 10823 effective July 2, 2009 reflected the RC-033 Memorandum of Understanding (signed June 15, 2009) rates effective January 1, 2010, the wrong rates were in the amended rate table. The correct rates effective January 1, 2010 are added.

In Section 310.Appendix A Table X, the Public Service Administrator title Options assigned to RC-063-22 are combined in to one listing in the title table.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Jason Doggett
Acting Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

310.270	Legislated Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)

310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408,

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effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill.

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Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill.

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Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007;

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emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.47 In-Hiring Rate

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- a) Request – An agency head may request in writing that the Director of Central Management Services approve an in-hiring rate. The rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated pay grade, salary grade pay grade, merit compensation pay range or broad-band pay range. The rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hiring rate and the limitations are included in the agency request. An effective date may be included in the request.
- b) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, length of vacancies, and the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title.
- c) Approval – The Director of Central Management Services indicates in writing the approved in-hiring rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.
- d) Implementation – In the classification title or within the limitations of the classification title, an employee paid below the in-hiring rate receives the in-hiring rate on the approved effective date. The in-hiring rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hiring rate is approved by the Director of Central Management Services.
- e) Approved In-Hiring Rates –

Effective January 1, 2008

Title	Pay Grade or Range	In-Hiring Rate
Accounting & Fiscal Administration Career Trainee	RC-062-12	Step 3
Actuarial Examiner Trainee	RC-062-13	Step 4
Children & Family Services Intern, Option 2	RC-062-15	Step 1b
Civil Engineer I	RC-063-15	Step 2
Civil Engineer II	RC-063-17	Step 1

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Civil Engineer Trainee	NR-916	To minimum monthly rate for appointee with bachelor's degree in accredited civil engineering program, add \$40/quarter work experience up to 8, add \$60 if passed Engineering Intern exam, and master's degree adds to experience up to two years
Clinical Psychology Associate	RC-063-18	Step 1 for applicants possessing the minimum class requirements and Step 3 for applicants who have completed their doctoral dissertation
Commerce Commission Police Officer Trainee	MS-10	\$2,943
Correctional Officer	RC-006-09	Step 2
Correctional Officer Trainee	RC-006-05	Step 4
Engineering Technician I	NR-916	See Note
Engineering Technician II	NR-916	See Note
Engineering Technician III	NR-916	See Note
Engineering Technician IV	NR-916	See Note
Environmental Engineer I	RC-063-15	Step 2
Environmental Engineer II	RC-063-17	Step 1
Environmental Protection Engineer I	RC-063-15	Step 5
Environmental Protection Engineer II	RC-063-17	Step 4
Financial Institutions Examiner Trainee	RC-062-13	Step 2
Forensic Scientist Trainee	RC-062-15	Step 2, and Step 3 if completed Forensic Science Residency Program at the U of I-Chicago
Information Services Intern	RC-063-15	See Note
Information Services Specialist I	RC-063-17	Step 1a for Outside Cook County and Step 2 for Cook County

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Information Services Specialist II	RC-063-19	Step 1a for Cook County
Insurance Company Financial Examiner Trainee	RC-062-13	Step 4
Internal Auditor Trainee	MS-09	\$2,854
Juvenile Justice Specialist	RC-006-14	Step 1 for a bachelor's degree and Step 2 for a master's degree
Juvenile Justice Specialist Intern	RC-006-11	Step 1 for a bachelor's degree and Step 2 for a master's degree
Meat & Poultry Inspector Trainee	RC-033	Step 3 for Regions 1 and 6
Physician Specialist, Option C	RC-063-MD-C	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities
Physician Specialist, Option D	RC-063-MD-D	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities
Police Lieutenant	MC-09	\$3,450
Products & Standards Inspector Trainee	MS-09	\$3,057 for Cook, Dupage, Lake, Kane, and Will counties; and \$2,854 for all other counties
Revenue Auditor Trainee	RC-062-12 (IL); RC-062- 15 (CA or NJ); and RC-062-13 (states other than IL, CA, or NJ)	Step 5
Revenue Special Agent Trainee	RC-062-14	Step 2
Security Therapy Aide Trainee	RC-009-13	Step 5 for the Joliet Treatment and Detention Facility
State Mine Inspector	RC-062-19	Step 1
Telecommunicator	RC-014-12	Step 2 for District 2

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Telecommunicator Trainee	RC-014-10	Step 3 for Kane County and Step 7 for Cook County
Terrorism Research Specialist Trainee	RC-062-14	Step 2

Note: The Engineering Technician series has the following in-hiring rates –

Education Level

Completion of 2 years of college in civil engineering or job related technical/science curriculum (60 semester/90 quarter hours credit)	\$2,485
Completion of 3 years of college in areas other than civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)	\$2,390
An Associate Degree from an accredited 2 year civil engineering technology program	\$2,600
Completion of 3 years of college courses in civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)	\$2,600
Completion of 4 years of college courses in areas other than civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit)	\$2,485
Completion of 4 years of college in civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	\$2,705
Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	\$3,070

The Information Services Intern title has the following in-hiring rates –

Education	Outside Cook County	Cook County
Computer Science degree at 4-year college	Step 4	Step 6
Computer Science degree at 2-year technical school	Step 2	Step 4
Non-Computer Science degree at 4-year college	Step 1	Step 3

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE D HR-001 (Teamsters Local #726)****Full Scale Rates**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>January 1, 2010</u> October 1, 2007 <u>Mo.</u>
Highway Maintainer (Snowbirds)	18639	HR-001	Q	<u>3664.00</u> 3575.00

NOTE: Snowbirds are all seasonal, full-time Highway Maintainers whose primary function is snow removal.

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2009</u>		<u>January 1, 2010</u>	
				<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
Building Services Worker	05616	HR-001	B	3375	19.40	3443	19.79
Elevator Operator	13500	HR-001	B	3445	19.80	3514	20.20
Elevator Operator – Assistant Starter	13500	HR-001	B	3489	20.05	3559	20.45
Elevator Operator – Starter	13500	HR-001	B	3511	20.18	3581	20.58
Grounds Supervisor	17549	HR-001	B	5115	29.40	5217	29.98
Grounds Supervisor (Chicago Read)	17549	HR-001	B	5300	30.46	5406	31.07
Grounds Supervisor (Supervising Tractor Trailer Drivers)	17549	HR-001	B	5553	31.91	5664	32.55
Heavy Construction Equipment Operator	18465	HR-001	Q	5421	31.16	5529	31.78
Heavy Construction Equipment Operator (Bridge Crew)	18465	HR-001	Q	5500	31.61	5610	32.24
Highway Maintainer and Highway Maintainer (Tractor Mower)	18639	HR-001	Q	5310	30.52	5416	31.13
Highway Maintainer (Bridge Crew)	18639	HR-001	Q	5390	30.98	5498	31.60
Highway Maintainer (Drill Rig)	18639	HR-001	Q	5421	31.16	5529	31.78
Highway Maintainer (Emergency)	18639	HR-001	Q	5423	31.17	5531	31.79

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Patrol)							
Highway Maintenance Lead Worker	18659	HR-001	Q	5456	31.36	5565	31.98
Highway Maintenance Lead Worker (Bridge Crew)	18659	HR-001	Q	5533	31.80	5644	32.44
Highway Maintenance Lead Worker (Emergency Patrol)	18659	HR-001	Q	5568	32.00	5679	32.64
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	HR-001	Q	5512	31.68	5622	32.31
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	HR-001	Q	5589	32.12	5701	32.76
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol)	18659	HR-001	Q	5624	32.32	5736	32.97
Laborer (Maintenance)	23080	HR-001	B	5139	29.53	5242	30.13
Maintenance Equipment Operator	25020	HR-001	B	5242	30.13	5347	30.73
Maintenance Equipment Operator (Dispatcher)	25020	HR-001	B	5434	31.23	5543	31.86
Maintenance Equipment Operator (Tractor Trailer)	25020	HR-001	B	5269	30.28	5374	30.89
Maintenance Worker (not DOT, Chicago Read or DHS forensic)	25500	HR-001	B	5078	29.18	5180	29.77
Maintenance Worker (Chicago Read)	25500	HR-001	B	5242	30.13	5347	30.73
Maintenance Worker (DHS, forensic)	25500	HR-001	Q	5310	30.52	5416	31.13
Maintenance Worker (DOT, not Emergency Patrol)	25500	HR-001	B	5180	29.77	5284	30.37
Maintenance Worker (DOT, Emergency Patrol)	25500	HR-001	B	5290	30.40	5396	31.01
Power Shovel Operator (Maintenance)	33360	HR-001	B	5500	31.61	5610	32.24

New Hire Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
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Highway Maintainer 18639 HR-001 Q

Highway Maintainer and Highway Maintainer (Tractor Mower)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5045	28.99	Full Scale					
(1/1/06-6/30/06)	5045	28.99			5145	29.57	Full Scale	
(7/1/06-12/31/06)	4779	27.47	5045	28.99	5145	29.57		
(1/1/07-6/30/07)	4779	27.47			4874	28.01	5145	29.57
(7/1/07-12/31/07)	4514	25.94	4779	27.47	4874	28.01		
(1/1/08-6/30/08)	4514	25.94			4604	26.46	4874	28.01
(7/1/08-12/31/08)	4248	24.41	4514	25.94	4604	26.46		
(1/1/09-6/30/09)	4248	24.41			4333	24.90	4604	26.46
(7/1/09-12/31/09)	4248	24.41			4333	24.90		
(1/1/10-6/30/10)					4333	24.90		

Highway Maintainer (Bridge Crew)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5121	29.43	Full Scale					
(1/1/06-6/30/06)	5121	29.43			5223	30.02	Full Scale	
(7/1/06-12/31/06)	4851	27.88	5121	29.43	5223	30.02		
(1/1/07-6/30/07)	4851	27.88			4948	28.44	5223	30.02
(7/1/07-12/31/07)	4582	26.33	4851	27.88	4948	28.44		
(1/1/08-6/30/08)	4582	26.33			4673	26.86	4948	28.44
(7/1/08-12/31/08)	4312	24.78	4582	26.33	4673	26.86		
(1/1/09-6/30/09)	4312	24.78			4398	25.28	4673	26.86

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(7/1/09-12/31/09)	4312	24.78	4398	25.28
(1/1/10-6/30/10)			4398	25.28

Highway Maintainer (Drill Rig)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5150	29.60	Full Scale					
(1/1/06-6/30/06)	5150	29.60			5253	30.19	Full Scale	
(7/1/06-12/31/06)	4879	28.04	5150	29.60	5253	30.19		
(1/1/07-6/30/07)	4879	28.04			4976	28.60	5253	30.19
(7/1/07-12/31/07)	4608	26.48	4879	28.04	4976	28.60		
(1/1/08-6/30/08)	4608	26.48			4700	27.01	4976	28.60
(7/1/08-12/31/08)	4337	24.93	4608	26.48	4700	27.01		
(1/1/09-6/30/09)	4337	24.93			4423	25.42	4700	27.01
(7/1/09-12/31/09)	4337	24.93			4423	25.42		
(1/1/10-6/30/10)					4423	25.42		

Highway Maintainer (Emergency Patrol)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5152	29.61	Full Scale					
(1/1/06-6/30/06)	5152	29.61			5254	30.20	Full Scale	
(7/1/06-12/31/06)	4881	28.05	5152	29.61	5254	30.20		
(1/1/07-6/30/07)	4881	28.05			4978	28.61	5254	30.20
(7/1/07-12/31/07)	4610	26.49	4881	28.05	4978	28.61		
(1/1/08-6/30/08)	4610	26.49			4701	27.02	4978	28.61
(7/1/08-12/31/08)	4338	24.93	4610	26.49	4701	27.02		

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(1/1/09-6/30/09)	4338	24.93	4425	25.43	4701	27.02
(7/1/09-12/31/09)	4338	24.93	4425	25.43		
(1/1/10-6/30/10)			4425	25.43		

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE E RC-020 (Teamsters Local #330)****Full Scale Rates**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>January 1, 2010</u> <u>October 1, 2007</u> <u>Mo.</u>
Highway Maintainer (Snowbirds)	18639	RC-020	Q	3664.00 3575.00

NOTE: Snowbirds are all, except those in Kankakee County, seasonal, full-time Highway Maintainers whose primary function is snow removal.

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2009</u>		<u>January 1, 2010</u>	
				<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
Bridge Mechanic	05310	RC-020	Q	5347	30.73	5454	31.34
Bridge Tender	05320	RC-020	B	5055	29.05	5156	29.63
Heavy Construction Equipment Operator	18465	RC-020	Q	5421	31.16	5529	31.78
Heavy Construction Equipment Operator (Bridge Crew)	18465	RC-020	Q	5500	31.61	5610	32.24
Highway Maintainer	18639	RC-020	Q	5310	30.52	5416	31.13
Highway Maintainer (Bridge Crew)	18639	RC-020	Q	5390	30.98	5498	31.60
Highway Maintainer (Drill Rig)	18639	RC-020	Q	5421	31.16	5529	31.78
Highway Maintenance Lead Worker	18659	RC-020	Q	5456	31.36	5565	31.98
Highway Maintenance Lead Worker (Bridge Crew)	18659	RC-020	Q	5533	31.80	5644	32.44
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	RC-020	Q	5512	31.68	5622	32.31
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	RC-020	Q	5589	32.12	5701	32.76

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Labor Maintenance Lead							
Worker	22809	RC-020	B	5202	29.90	5306	30.49
Laborer (Maintenance)	23080	RC-020	B	5139	29.53	5242	30.13
Maintenance Equipment							
Operator	25020	RC-020	B	5242	30.13	5347	30.73
Maintenance Equipment							
Operator	25020	RC-020	Q	5421	31.16	5529	31.78
Maintenance Worker (DHS)	25500	RC-020	B	5248	30.16	5353	30.76
Maintenance Worker (DOT, not							
Emergency Patrol)	25500	RC-020	B	5180	29.77	5284	30.37
Power Shovel Operator							
(Maintenance)	33360	RC-020	Q	5421	31.16	5529	31.78
Power Shovel Operator							
(Maintenance) (Bridge Crew)	33360	RC-020	Q	5500	31.61	5610	32.24
Silk Screen Operator	41020	RC-020	B	5356	30.78	5463	31.40

New Hire Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Highway Maintainer	18639	RC-020	Q

Highway Maintainer

<u>New Hire</u> <u>Between the</u> <u>Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5045	28.99	Full Scale					
(1/1/06-6/30/06)	5045	28.99			5145	29.57	Full Scale	
(7/1/06-12/31/06)	4779	27.47	5045	28.99	5145	29.57		
(1/1/07-6/30/07)	4779	27.47			4874	28.01	5145	29.57
(7/1/07-12/31/07)	4514	25.94	4779	27.47	4874	28.01		
(1/1/08-6/30/08)	4514	25.94			4604	26.46	4874	28.01
(7/1/08-12/31/08)	4248	24.41	4514	25.94	4604	26.46		
(1/1/09-6/30/09)	4248	24.41			4333	24.90	4604	26.46
(7/1/09-12/31/09)	4248	24.41			4333	24.90		

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(1/1/10-6/30/10) 4333 24.90

Highway Maintainer (Bridge Crew)

<u>New Hire Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5121	29.43	Full Scale					
(1/1/06-6/30/06)	5121	29.43			5223	30.02	Full Scale	
(7/1/06-12/31/06)	4851	27.88	5121	29.43	5223	30.02		
(1/1/07-6/30/07)	4851	27.88			4948	28.44	5223	30.02
(7/1/07-12/31/07)	4582	26.33	4851	27.88	4948	28.44		
(1/1/08-6/30/08)	4582	26.33			4673	26.86	4948	28.44
(7/1/08-12/31/08)	4312	24.78	4582	26.33	4673	26.86		
(1/1/09-6/30/09)	4312	24.78			4398	25.28	4673	26.86
(7/1/09-12/31/09)	4312	24.78			4398	25.28		
(1/1/10-6/30/10)					4398	25.28		

Highway Maintainer (Drill Rig)

<u>New Hire Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5150	29.60	Full Scale					
(1/1/06-6/30/06)	5150	29.60			5253	30.19	Full Scale	
(7/1/06-12/31/06)	4879	28.04	5150	29.60	5253	30.19		
(1/1/07-6/30/07)	4879	28.04			4976	28.60	5253	30.19
(7/1/07-12/31/07)	4608	26.48	4879	28.04	4976	28.60		
(1/1/08-6/30/08)	4608	26.48			4700	27.01	4976	28.60
(7/1/08-12/31/08)	4337	24.93	4608	26.48	4700	27.01		

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(1/1/09-6/30/09)	4337	24.93	4423	25.42	4700	27.01
(7/1/09-12/31/09)	4337	24.93	4423	25.42		
(1/1/10-6/30/10)			4423	25.42		

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE F RC-019 (Teamsters Local #25)****Full Scale Rates**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>January 1, 2010</u> <u>2007</u> <u>Mo.</u>	<u>November 1, 2007</u> <u>Mo.</u>
Highway Maintainer (Snowbirds)	18639	RC-019	Q	3664.00 3390.00	3575.00

NOTE: Snowbirds are all seasonal, salaried, full-time Highway Maintainers whose primary function is snow removal.

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2009</u>		<u>January 1, 2010</u>	
				<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
Bridge Mechanic	05310	RC-019	Q	5345	30.72	5451	31.33
Bridge Tender	05320	RC-019	B	5381	30.93	5487	31.53
Deck Hand	11500	RC-019	B	5145	29.57	5251	30.18
Ferry Operator I	14801	RC-019	B	5381	30.93	5487	31.53
Ferry Operator II	14802	RC-019	B	5433	31.22	5539	31.83
Highway Maintainer	18639	RC-019	Q	5310	30.52	5416	31.13
Highway Maintainer (Bridge Crew)	18639	RC-019	Q	5385	30.95	5491	31.56
Highway Maintainer (Drill Rig)	18639	RC-019	Q	5415	31.12	5521	31.73
Highway Maintainer (Emergency Patrol)	18639	RC-019	Q	5417	31.13	5523	31.74
Highway Maintenance Lead Worker	18659	RC-019	Q	5448	29.80	5554	31.92 30.41
Highway Maintenance Lead Worker (Bridge Crew)	18659	RC-019	Q	5522	31.74	5628	32.34
Highway Maintenance Lead Worker (Emergency Patrol)	18659	RC-019	Q	5555	31.93	5661	32.53
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	RC-019	Q	5501	31.61	5607	32.22
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	RC-019	Q	5575	32.04	5681	32.65

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Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol)	18659	RC-019	Q	5580	32.07	5686	32.68
Janitor I (Including Office of Administration)	21951	RC-019	B	4937	28.37	5043	28.98
Janitor II (Including Office of Administration)	21952	RC-019	B	4970	28.56	5076	29.17
Labor Maintenance Lead Worker	22809	RC-019	B	5207	29.93	5313	30.53
Laborer (Maintenance)	23080	RC-019	B	5148	29.59	5254	30.20
Maintenance Equipment Operator	25020	RC-019	B	5245	30.14	5351	30.75
Maintenance Equipment Operator	25020	RC-019	Q	5415	31.12	5521	31.73
Maintenance Equipment Operator	25020	RC-019	S	5468	31.43	5574	32.03
Maintenance Equipment Operator (DHS, forensic)	25020	RC-019	Q	5310	30.52	5416	31.13
Maintenance Worker	25500	RC-019	B	5186	29.80	5292	30.41
Maintenance Worker	25500	RC-019	Q	5251	30.18	5357	30.79
Power Shovel Operator (Maintenance)	33360	RC-019	B	5349	30.74	5455	31.35
Power Shovel Operator (Maintenance)	33360	RC-019	Q	5415	31.12	5521	31.73
Power Shovel Operator (Maintenance) (Bridge Crew)	33360	RC-019	Q	5490	31.55	5596	32.16
Security Guard I	39851	RC-019	B	4966	28.54	5072	29.15
Security Guard II	39852	RC-019	B	5016	28.83	5122	29.44
Silk Screen Operator	41020	RC-019	B	5354	30.77	5460	31.38

New Hire Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Highway Maintainer	18639	RC-019	Q

Highway Maintainer and Highway Maintainer (Tractor Mower)

<u>New Hire</u>	<u>July 1, 2009</u>	<u>On employee's "new</u>	<u>January 1, 2010</u>	<u>On employee's</u>
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<u>Between the Dates</u>	<u>hire" anniversary July-December 2009</u>		<u>"new hire" anniversary January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5045	28.99	Full Scale	
(1/1/06-6/30/06)	5045	28.99		5145 29.57 Full Scale
(7/1/06-12/31/06)	4779	27.47	5045 28.99	5145 29.57
(1/1/07-6/30/07)	4779	27.47		4874 28.01 5145 29.57
(7/1/07-12/31/07)	4514	25.94	4779 27.47	4874 28.01
(1/1/08-6/30/08)	4514	25.94		4604 26.46 4874 28.01
(7/1/08-12/31/08)	4248	24.41	4514 25.94	4604 26.46
(1/1/09-6/30/09)	4248	24.41		4333 24.90 4604 26.46
(7/1/09-12/31/09)	4248	24.41		4333 24.90
(1/1/10-6/30/10)				4333 24.90

Highway Maintainer (Bridge Crew)

<u>New Hire Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5116	29.40	Full Scale					
(1/1/06-6/30/06)	5116	29.40			5216	29.98	Full Scale	
(7/1/06-12/31/06)	4847	27.86	5116	29.40	5216	29.98		
(1/1/07-6/30/07)	4847	27.86			4942	28.40	5216	29.98
(7/1/07-12/31/07)	4577	26.30	4847	27.86	4942	28.40		
(1/1/08-6/30/08)	4577	26.30			4667	26.82	4942	28.40
(7/1/08-12/31/08)	4308	24.76	4577	26.30	4667	26.82		
(1/1/09-6/30/09)	4308	24.76			4393	25.25	4667	26.82
(7/1/09-12/31/09)	4308	24.76			4393	25.25		
(1/1/10-6/30/10)					4393	25.25		

Highway Maintainer (Drill Rig)

<u>New Hire Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>

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(7/1/05-12/31/05)	5144	29.56	Full Scale					
(1/1/06-6/30/06)	5144	29.56			5245	30.14	Full Scale	
(7/1/06-12/31/06)	4874	28.01	5144	29.56	5245	30.14		
(1/1/07-6/30/07)	4874	28.01			4969	28.56	5245	30.14
(7/1/07-12/31/07)	4603	26.45	4874	28.01	4969	28.56		
(1/1/08-6/30/08)	4603	26.45			4693	26.97	4969	28.56
(7/1/08-12/31/08)	4332	24.90	4603	26.45	4693	26.97		
(1/1/09-6/30/09)	4332	24.90			4417	25.39	4693	26.97
(7/1/09-12/31/09)	4332	24.90			4417	25.39		
(1/1/10-6/30/10)					4417	25.39		

Highway Maintainer (Emergency Patrol)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2009</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2009</u>		<u>January 1, 2010</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2010</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/05-12/31/05)	5146	29.57	Full Scale					
(1/1/06-6/30/06)	5146	29.57			5247	30.16	Full Scale	
(7/1/06-12/31/06)	4875	28.02	5146	29.57	5247	30.16		
(1/1/07-6/30/07)	4875	28.02			4971	28.57	5247	30.16
(7/1/07-12/31/07)	4604	26.46	4875	28.02	4971	28.57		
(1/1/08-6/30/08)	4604	26.46			4695	26.98	4971	28.57
(7/1/08-12/31/08)	4334	24.91	4604	26.46	4695	26.98		
(1/1/09-6/30/09)	4334	24.91			4418	25.39	4695	26.98
(7/1/09-12/31/09)	4334	24.91			4418	25.39		
(1/1/10-6/30/10)					4418	25.39		

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE Q RC-033 (Meat Inspectors, IFPE)

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Meat and Poultry Inspector	26070	RC-033	B
Meat and Poultry Inspector Trainee	26075	RC-033	B

Effective July 1, 2009

<u>Title</u>	STEPS							
	1	2	3	4	5	6	7	8
Meat and Poultry Inspector	3453	3603	3748	3890	4041	4268	4354	4397
Meat and Poultry Inspector Trainee	2929	3035	3152	3265	3379	3567	3636	3672

Effective January 1, 2010

<u>Title</u>	STEPS							
	1	2	3	4	5	6	7	8
Meat and Poultry Inspector	<u>3522</u>	<u>3675</u>	<u>3823</u>	<u>3968</u>	<u>4122</u>	<u>4353</u>	<u>4441</u>	<u>4485</u>
	<u>3453</u>	<u>3603</u>	<u>3748</u>	<u>3890</u>	<u>4041</u>	<u>4268</u>	<u>4354</u>	<u>4397</u>
Meat and Poultry Inspector Trainee	<u>2988</u>	<u>3096</u>	<u>3215</u>	<u>3330</u>	<u>3447</u>	<u>3638</u>	<u>3709</u>	<u>3745</u>
	<u>2929</u>	<u>3035</u>	<u>3152</u>	<u>3265</u>	<u>3379</u>	<u>3567</u>	<u>3636</u>	<u>3672</u>

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	14
Environmental Protection Geologist II	13802	RC-063	16
Environmental Protection Geologist III	13803	RC-063	18
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program			
Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Options 3, 4, 6E and 8E	37015	RC-063	24
Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Options 8H, <u>8I Department of Natural Resources</u> and 9G	37015	RC-063	22

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Public Service Administrator, Option 8I	37015	RC-063	22
Department of Natural Resources			
Public Service Administrator, Option 8P Department of Human Services	37015	RC-063	26
Public Service Administrator, Option 8U Department of Human Services	37015	RC-063	21
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	18
Senior Public Service Administrator, Option 8E	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated pay grade have the following options: 3; 4; 6E; 8D; 8E; 8H; 8I; 8P; 8U; and 9G. See the definition of option in Section 310.50.

Effective May 14, 2009
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
27	B	6168	6352	6544	6872	7246	7629	8016	8391	8768	9335	9708
27	Q	6448	6640	6841	7184	7575	7975	8380	8772	9166	9759	10149

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Effective July 1, 2009
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
14	B	3267	3356	3445	3576	3716	3878	4020	4172	4416	4592
14	Q	3405	3495	3591	3728	3880	4048	4201	4361	4615	4798
14	S	3470	3562	3658	3802	3950	4122	4274	4436	4687	4874
15	B	3395	3487	3581	3740	3894	4046	4212	4368	4631	4815
15	Q	3537	3635	3737	3901	4064	4227	4403	4565	4837	5032
15	S	3603	3704	3807	3974	4135	4303	4477	4638	4914	5110
16	B	3548	3645	3749	3917	4091	4260	4439	4616	4888	5083
16	Q	3699	3805	3913	4091	4275	4454	4637	4824	5111	5316
16	S	3772	3877	3987	4165	4351	4531	4712	4900	5181	5388
17	B	3709	3817	3929	4109	4299	4481	4663	4852	5140	5346
17	Q	3872	3985	4099	4296	4493	4680	4871	5070	5371	5587
17	S	3944	4058	4173	4371	4569	4758	4946	5143	5450	5667
18	B	3901	4014	4134	4333	4536	4742	4934	5133	5439	5657
18	Q	4073	4193	4319	4533	4741	4957	5159	5364	5686	5913
18	S	4144	4270	4391	4604	4815	5031	5234	5441	5758	5989
19	B	4107	4228	4357	4579	4795	5017	5229	5447	5778	6010
19	Q	4293	4422	4553	4786	5008	5247	5465	5694	6037	6279
19	S	4369	4498	4630	4862	5085	5321	5541	5771	6112	6357
20	B	4343	4471	4603	4836	5061	5301	5533	5762	6111	6356
20	Q	4538	4672	4811	5053	5291	5542	5780	6022	6389	6644
20	S	4611	4747	4887	5128	5364	5616	5855	6096	6461	6719
21	B	4584	4720	4861	5112	5358	5608	5864	6108	6489	6748

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

21	Q	4791	4931	5080	5343	5598	5862	6128	6385	6781	7052
21	S	4865	5006	5156	5415	5673	5937	6203	6458	6856	7131
22	B	4845	4992	5139	5407	5671	5939	6215	6472	6875	7150
22	Q	5064	5215	5369	5651	5929	6206	6493	6766	7184	7471
22	S	5137	5290	5447	5724	6003	6279	6569	6843	7261	7551
23	B	5139	5292	5451	5740	6034	6321	6612	6899	7333	7627
23	Q	5369	5532	5700	6001	6309	6605	6911	7211	7662	7968
23	S	5447	5608	5774	6074	6382	6680	6985	7284	7737	8045
24	B	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143
24	Q	5713	5888	6065	6388	6720	7043	7366	7700	8184	8511
24	S	5788	5961	6140	6460	6793	7117	7442	7776	8257	8587
25	B	5828	6004	6184	6522	6866	7209	7551	7895	8401	8738
25	Q	6093	6272	6461	6816	7173	7535	7894	8251	8780	9132
25	S	6165	6352	6537	6891	7247	7608	7966	8323	8855	9210
26	B	6159	6348	6599	6960	7329	7701	8060	8422	8966	9324
26	Q	6453	6648	6917	7292	7678	8067	8444	8821	9392	9768
26	S	6514	6711	6982	7362	7753	8144	8524	8906	9485	9864
27	B	6511	6708	7044	7427	7820	8216	8601	8987	9568	9951
27	Q	6806	7012	7364	7764	8174	8590	8991	9395	10003	10403

Effective January 1, 2010
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
14	B	3332	3423	3514	3648	3790	3956	4100	4255	4504	4684
14	Q	3473	3565	3663	3803	3958	4129	4285	4448	4707	4894
14	S	3539	3633	3731	3878	4029	4204	4359	4525	4781	4971

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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15	B	3463	3557	3653	3815	3972	4127	4296	4455	4724	4911
15	Q	3608	3708	3812	3979	4145	4312	4491	4656	4934	5133
15	S	3675	3778	3883	4053	4218	4389	4567	4731	5012	5212
16	B	3619	3718	3824	3995	4173	4345	4528	4708	4986	5185
16	Q	3773	3881	3991	4173	4361	4543	4730	4920	5213	5422
16	S	3847	3955	4067	4248	4438	4622	4806	4998	5285	5496
17	B	3783	3893	4008	4191	4385	4571	4756	4949	5243	5453
17	Q	3949	4065	4181	4382	4583	4774	4968	5171	5478	5699
17	S	4023	4139	4256	4458	4660	4853	5045	5246	5559	5780
18	B	3979	4094	4217	4420	4627	4837	5033	5236	5548	5770
18	Q	4154	4277	4405	4624	4836	5056	5262	5471	5800	6031
18	S	4227	4355	4479	4696	4911	5132	5339	5550	5873	6109
19	B	4189	4313	4444	4671	4891	5117	5334	5556	5894	6130
19	Q	4379	4510	4644	4882	5108	5352	5574	5808	6158	6405
19	S	4456	4588	4723	4959	5187	5427	5652	5886	6234	6484
20	B	4430	4560	4695	4933	5162	5407	5644	5877	6233	6483
20	Q	4629	4765	4907	5154	5397	5653	5896	6142	6517	6777
20	S	4703	4842	4985	5231	5471	5728	5972	6218	6590	6853
21	B	4676	4814	4958	5214	5465	5720	5981	6230	6619	6883
21	Q	4887	5030	5182	5450	5710	5979	6251	6513	6917	7193
21	S	4962	5106	5259	5523	5786	6056	6327	6587	6993	7274
22	B	4942	5092	5242	5515	5784	6058	6339	6601	7013	7293
22	Q	5165	5319	5476	5764	6048	6330	6623	6901	7328	7620
22	S	5240	5396	5556	5838	6123	6405	6700	6980	7406	7702
23	B	5242	5398	5560	5855	6155	6447	6744	7037	7480	7780
23	Q	5476	5643	5814	6121	6435	6737	7049	7355	7815	8127
23	S	5556	5720	5889	6195	6510	6814	7125	7430	7892	8206

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	Q	5827	6006	6186	6516	6854	7184	7513	7854	8348	8681
24	S	5904	6080	6263	6589	6929	7259	7591	7932	8422	8759
25	B	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913
25	Q	6215	6397	6590	6952	7316	7686	8052	8416	8956	9315
25	S	6288	6479	6668	7029	7392	7760	8125	8489	9032	9394
26	B	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510
26	Q	6582	6781	7055	7438	7832	8228	8613	8997	9580	9963
26	S	6644	6845	7122	7509	7908	8307	8694	9084	9675	10061
27	B	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
27	Q	6942	7152	7511	7919	8337	8762	9171	9583	10203	10611

(Source: Amended at 34 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certification of Alternative Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 451
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
451.10	Amendment
451.20	Amendment
451.30	Amendment
451.40	Amendment
451.50	Amendment
451.100	Amendment
451.110	Amendment
451.120	Amendment
451.130	Amendment
451.140	Amendment
451.150	Amendment
451.200	Amendment
451.220	Amendment
451.230	Amendment
451.240	Amendment
451.250	Amendment
451.300	Amendment
451.310	Amendment
451.320	Amendment
451.330	Amendment
451.340	Amendment
451.350	Amendment
451.400	Amendment
451.410	Amendment
451.420	Amendment
451.430	Amendment
451.510	Amendment
451.710	Amendment
451.740	Amendment
451.750	Amendment
451.760	Amendment
451.770	Amendment

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 4) Statutory Authority: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115]
- 5) A Complete Description of the Subjects and Issues Involved: 83 III. Adm. Code 451 establishes various requirements for ARES applicants seeking a certificate of service authority from the Commission in accordance with Section 16-115 of the Public Utilities Act before serving any retail customer or other user located in this state. General provisions are contained in Subpart A, procedures for applicants who are seeking to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more are contained in Subpart B, procedures for applicants who are seeking to serve only nonresidential retail customers with annual electrical consumption greater than 15,000 kWh are contained in Subpart C, procedures for applicants who are seeking to serve all retail customers are contained in Subpart D, procedures for applicants who are seeking to serve only themselves or affiliated customers are contained in Subpart E, the financial qualifications for the provision of single-billing service are contained in Subpart F, and procedures for reporting continuing compliance with certification requirements are contained in Subpart H.

Additional changes improve the ARES certification and continuing compliance process. One of the changes adjusts the date to demonstrate continuing compliance with the ARES requirements from no later than January 31 to April 30 of each year. It is in the public interest to change the compliance deadline at the same time as implementing the new requirements. This will allow ARES to demonstrate that they met these requirements in their compliance filings due April 30. In addition, changes to the financial qualifications will promote competition by reducing costs to ARES. As in the case of the adjustment of the compliance deadline, it is in the public interest to make the changes to the financial qualifications concurrent with the other changes, since it would be counterproductive to allow ARES to continue to receive new certificates using obsolete qualifications.

The changes to the financial qualifications will remove unnecessary confusion for applicants or possible loopholes in the current requirements. The financial requirements give ARES a choice of several options that gives participants the ability to choose a method that best fits the situation of a particular ARES. The ARES financial qualifications in Part 451 are fashioned in such a manner that any changes create a need for other changes, making it imperative to keep all the options together as a package. It would be unnecessarily burdensome on ARES to change financial qualifications more than once during a compliance period.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 10-0108, with:

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations unless they are also jurisdictional entities.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting and record-keeping
- C) Types of professional skills necessary for compliance: Managerial skills

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appear in this issue of the Register on page 3040:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Renewable Portfolio Standard and Clean Coal Standard for Alternative Retail Electric Suppliers and Utilities Operating Outside Their Service Areas
- 2) Code Citation: 83 Ill. Adm. Code 455
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
455.10	New Section
455.20	New Section
455.30	New Section
455.100	New Section
455.110	New Section
455.120	New Section
455.130	New Section
455.140	New Section
455.150	New Section
455.200	New Section
455.210	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 16-115 and 16-115D of the Public Utilities Act [220 ILCS 5/16-115 and 16-115D]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes various requirements and procedures for ARES and electric utilities operating outside their service territories relative to the renewable portfolio standard and clean coal standard. General provisions are contained in Subpart A, provisions regarding the renewable portfolio standard are contained in Subpart B, and provisions regarding the clean coal standard are contained in Subpart C.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: This proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 10-0109, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not for profit corporations unless they are otherwise jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements
 - C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for these rules at that time.

The full text of the Proposed Rules is identical to the text of the Emergency Rules which appear in this issue of the *Illinois Register* on page 3115:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Certified Assessors for Fire Department Assessment Centers
- 2) Code Citation: 41 Ill. Adm. Code 145
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
145.10	New Section
145.20	New Section
145.30	New Section
145.40	New Section
145.50	New Section
145.60	New Section
- 4) Statutory Authority: Authorized by and implementing Section 50 of the Fire Department Promotion Act [50 ILCS 742/50]
- 5) A Complete Description of the Subjects and Issues Involved: The subjects would be promotional assessment centers conducted on behalf of units of local government to determine the qualifications of firefighters for promotion to supervisory ranks. The rules control the qualification and selection of the individuals that actually assess the candidates qualifications.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: The sources of underlying data used to compose this rulemaking consist of recommendations and adoptions made by the Joint Labor Management Council, created by PA 95-956, eff. 8-29-08, and provided to the Office.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect: Yes
- 8) Does this rulemaking contain an automatic repealer date? No
- 9) Does this rulemaking contain incorporation by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The Statewide Policy Objectives met by these rules is the safety of the public who use rely upon the effective delivery of emergency services.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment in writing to the following:
- John J. Fennell Jr.
General Counsel's Office
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
- Telephone: 217/785-4144
Facsimile: 217/558-1320
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business which is in the business of providing assessment services to units of local government. Municipalities that conduct promotional assessment examinations. Not for profit corporations to the extent that they conduct promotional assessment centers.
- B) Reporting, bookkeeping or other procedures required for compliance: Individuals and companies which undertake the use of assessors or are providing assessor services are required to maintain records on qualifications and continuing education. Units of local government that undertake to use promotional procedures that employ assessment centers are required to maintain records on such activity. Building owners are not affected by this activity
- C) Types of Professional skills necessary for compliance: Individuals prove competence to perform assessment services through a combination of experience, and education as outlined in the rules.
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not anticipated when the 2 most recent agendas were published.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 145
CERTIFIED ASSESSORS FOR
FIRE DEPARTMENT ASSESSMENT CENTERS

Section

145.5	Definitions
145.10	Introduction
145.20	Requirements for Certification
145.30	Requirements to Renew Certification
145.40	Notification by JLMC
145.50	Roster of Certified Assessors and Request for Roster
145.60	Assessor Selection

AUTHORITY: Implementing and authorized by Section 50 of the Fire Department Promotion Act [50 ILCS 742/50].

SOURCE: Adopted at 34 Ill. Reg. _____, effective _____.

Section 145.5 Definitions

"Act" means the Fire Department Promotion Act [50 ILCS 742].

"Assessor" means a person qualified under JLMC standards to evaluate candidates for promotion within an Illinois fire department during an assessment center process.

"JLMC" means the Joint Labor and Management Committee created by Section 50 of the Act.

"OSFM" means the Office of the State Fire Marshal.

Section 145.10 Introduction

- a) The Fire Department Promotion Act [50 ILCS 742] establishes the Joint Labor and Management Committee (JLMC) for the purpose of establishing the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

experience, training and certification requirements for individuals that will grade candidates for promotion during an assessment center process. Individuals who meet the requirements established by JLMC will be certified by JLMC for a 2 year period and listed on a Roster of Certified Assessors maintained by OSFM.

- b) The JLMC is composed of 2 representatives from the Illinois Fire Chiefs Association and 2 representatives from the Associated Fire Fighters of Illinois. Questions, comments and requests for an application to submit for certification can be obtained by contacting JLMC through either of the following organizations:
- 1) Illinois Fire Chiefs Association
P.O. Box 7
Skokie IL 60079
847/966-0786
 - 2) Associated Fire Fighters of Illinois
927 S. Second St.
Springfield IL 62704
217/522-8180

Section 145.20 Requirements for Certification

An individual desiring to be a certified assessor must apply to JLMC for certification and meet the following minimum requirements established by JLMC:

- a) Possess a minimum of 10 years of service as a full-time sworn firefighter, including at least 3 years of service as a company officer or higher;
- b) Successfully complete the Basic Assessor Training Course administered by a JLMC approved provider that conforms to the training syllabus established by JLMC;
- c) Successfully complete the practical requirements established by JLMC and participate in 2 assessment centers processes as a non-grading assessor with approval by the lead assessor; and
- d) Sign a pledge to comply with the Code of Ethics for Illinois Assessors.

OFFICE OF THE STATE FIRE MARSHAL

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Section 145.30 Requirements to Renew Certification

The certified assessor must meet the following requirements during a 2 year certification period in order to be re-certified by JLMC:

- a) Participate in 4 assessment center processes; and
- b) Complete at least 4 hours of continuing education each year (8 hours total for the 2 year term).

Section 145.40 Notification by JLMC

JLMC will provide to OSFM a list of all certified assessors and will, at least annually, amend that list by adding new assessors, removing assessors and confirming continuing education hours and assessment center participation for each certified assessor.

Section 145.50 Roster of Certified Assessors and Request for Roster

- a) OSFM will establish and maintain a roster of the assessors that JLMC has certified.
- b) The parties to the promotion (the authority that administers and grants promotions and the labor organization that represents the candidates for promotion) may agree to their own process to select certified assessors, enter into their own contract with a particular testing company to provide certified assessors, or permit non-certified assessors that have specialized technical expertise to participate.
- c) Should either party request a list of certified assessors from OSFM, *OSFM shall select at random from the roster of certified assessors a panel numbering not less than 2 times the number of assessors required and provide such list within 7 days after receiving the request. The parties shall augment the number by a factor of 50% by designating certified assessors who may serve as alternates to the primary assessors.*
- d) *The parties shall select certified assessors from the list supplied by OSFM and shall notify OSFM, within 7 days following the receipt of the list, of the assessors they have selected. If the parties fail to notify OSFM of their selection of certified assessors within the 7 days, OSFM shall appoint the certified assessors required from the list of certified assessors provided.*

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- e) *In the event a certified assessor is not able to participate in the assessment center process for which he or she was selected, either of the parties involved in the promotion process may request that additional names of certified assessors be provided by OSFM. [50 ILCS 742/50(h)]*

Section 145.60 Assessor Selection

Unless the parties agree to an alternate selection procedure, each party shall alternatively strike a name from the list provided by OSFM until the required number of assessors remains. A coin toss shall determine which party strikes the first name. [50 ILCS 742/50(h)]

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- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1320.50	Amendment
1320.70	Amendment
- 4) Statutory Authority: Illinois Optometric Practice Act of 1987 [225 ILCS 80]
- 5) Effective Date of Amendments: February 18, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 9, 2009; 33 Ill. Reg. 13966
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: A nonsubstantive, technical change was made to Section 1320.50 (a)(3) in relation to endorsement applicants who may have taken a state examination given before a state exclusively used the National Board of Examiners in Optometry (NBEO).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 95-242, effective January 1, 2008, allows optometrists to utilize and prescribe oral pharmaceutical agents and requires successful completion of a course of study in oral pharmaceutical agents prior to use or

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issuing of any prescriptions. Section 1320.335, adopted February 21, 2008, implemented these provisions. This adopted rulemaking completes that implementation by specifying the new requirements that must be met by out-of-state licensees seeking an Illinois optometric license through the endorsement process, as well as the requirements for re-activating an Illinois license after March 31, 2010.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320

OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section

1320.20	Approved Programs of Optometry
1320.30	Application for Licensure
1320.35	Application for a Limited Residency License
1320.40	Examinations
1320.45	Fees (Emergency Expired)
1320.50	Endorsement
1320.55	Renewals (Renumbered)
1320.60	Inactive Status
1320.70	Restoration
1320.80	Continuing Education
1320.90	Minimum Eye Examination
1320.95	Minimum Equipment List
1320.100	Practice of Optometry
1320.110	Advertising
1320.120	Granting Variances (Renumbered)

SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

Section

1320.200	Standards (Repealed)
1320.210	Application for Diagnostic Certification (Repealed)
1320.220	Approved Diagnostic Topical Ocular Pharmacological Training (Repealed)
1320.230	Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act (Repealed)
1320.240	Restoration of Diagnostic Certification (Repealed)
1320.250	Endorsement of Diagnostic Certification (Repealed)
1320.260	Renewal of Certification (Repealed)
1320.270	Display of Certification (Repealed)

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SUBPART C: DIAGNOSTIC AND THERAPEUTIC OCULAR
PHARMACEUTICAL AGENTS

Section

- 1320.300 Definitions and Standards
- 1320.310 Application for Therapeutic Certification (Repealed)
- 1320.315 Controlled Substance License Requirement
- 1320.320 Approved Therapeutic Ocular Training (Repealed)
- 1320.330 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
- 1320.335 Oral Pharmaceutical Agents
- 1320.340 Restoration of Therapeutic Certification (Repealed)
- 1320.350 Endorsement of Therapeutic Certification (Repealed)

SUBPART D: GENERAL

Section

- 1320.400 Fees
- 1320.410 Ancillary Licenses
- 1320.420 Renewals
- 1320.430 Granting Variances

AUTHORITY: Optometric Practice Act of 1987 [225 ILCS 80]; Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg.

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16040, effective November 24, 1997; amended at 23 Ill. Reg. 5744, effective April 30, 1999; amended at 24 Ill. Reg. 3656, effective February 15, 2000; amended at 27 Ill. Reg. 2677, effective January 31, 2003; amended at 28 Ill. Reg. 4945, effective March 3, 2004; amended at 28 Ill. Reg. 16247, effective December 2, 2004; amended at 29 Ill. Reg. 20616, effective December 6, 2005; amended at 31 Ill. Reg. 4339, effective March 5, 2007; amended at 32 Ill. Reg. 3243, effective February 21, 2008; amended at 34 Ill. Reg. 2883, effective February 18, 2010.

SUBPART A: OPTOMETRY

Section 1320.50 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Division together with:
 - 1) Certification of Graduation
 - A) Certification of graduation after January 1, 2008~~January 1, 1994~~ from an optometry program approved by the Division in accordance with Section 1320.20; or
 - B) Certification of graduation between January 1, 1994 and December 31, 2007 from an optometry program approved by the Division in accordance with Section 1320.20; and
 - i) The submission of evidence that the applicant has practiced optometry for a minimum of 5 years utilizing ocular pharmaceutical agents including oral agents under the laws of another jurisdiction that are deemed by the Board, pursuant to subsection (b), to be substantially equivalent to those of Illinois; or
 - ii) The submission of evidence of completion of a course or its equivalent as determined by the Board, pursuant to subsection (b), in oral ocular pharmaceutical agents as designated in Section 1320.335(b).
 - C) Certification of graduation prior to January 1, 1994 from an optometry program approved by the Division in accordance with

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Section 1320.20; and

- i) The submission of evidence that the applicant has practiced optometry for a minimum of 10 years utilizing ~~oculartherapeutic and diagnostic~~ pharmaceutical agents under the laws of another jurisdiction that are deemed by the Board to be substantially equivalent to those of Illinois ~~and that the applicant has done so with no related disciplinary action~~; or
- ii) The submission of evidence of completion of:
 - a course or its equivalent as determined by the Board in diagnostic pharmaceutical agents. The course shall be approved by the Division upon the recommendation of the Board and shall include a curriculum of at least 55 hours of lecture in the diagnosis of eye disease, including the use of diagnostic pharmaceutical agents. The course shall be conducted by an approved school of optometry and shall include a comprehensive examination. Documentation of the content of the course shall be provided to the Division by the applicant; and
 - a 120 hour course in ~~oculartherapeutic~~ pharmaceutical agents or its equivalent, as determined by the Board, within three years prior to application. The course shall be approved by the Division upon the recommendation of the Board and shall include a curriculum of at least 90 hours of lecture and at least 30 hours of practical laboratory in the treatment of the eye using ~~oculartherapeutic~~ pharmaceutical agents that includes foreign body removal and clinical patient care. The program shall be conducted at an approved school of optometry and shall include the passage of a comprehensive examination designed to test the student's knowledge, competence and ability. Applicants will be required to submit

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documentation of the course to the Division when applying under this subsection (a)(2);

- 2) Certification from the jurisdiction of original licensure and current licensure stating:
 - A) The period of time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the records of the licensing entity contains any record of disciplinary actions taken or pending against the applicant;
 - 3) Certification of passage of Part I and Part II, including passage of the Treatment and Management of Ocular Disease (TMOD) section ~~after January 1, 1996,~~ of the National Board of Examiners in Optometry (NBEO) examination, by NBEO standards, or an equivalent comprehensive examination administered in another jurisdiction;
 - 4) Certification of passage of Part III of the examination administered by NBEO, by NBEO standards, or an equivalent comprehensive practical examination administered in another jurisdiction; and
 - 5) The required fee as set forth in Section 1320.400.
- b) The Division shall examine each endorsement application to determine whether the requirements in the jurisdiction at the date of licensure were substantially equivalent to the requirements then in force in this State. The applicant may be required to submit a copy of the Act and rules in effect at the time of original licensure. If an applicant has taken a licensure examination other than Part I and Part II of the National Board prior to 1970, the examination and results will be required by the Board to determine that substantially equivalent requirements have been met. The Division shall within a reasonable time either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.
 - c) The Division may, in individual cases, upon recommendation of the Board, in

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accordance with Section 12 of the Act, waive the comprehensive practical examination for an applicant for endorsement, after full consideration of his/her optometric education, training and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has participated in writing textbooks relating to optometry, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in optometry.

(Source: Amended at 34 Ill. Reg. 2883, effective February 18, 2010)

Section 1320.70 Restoration

- a) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Division, together with:
 - 1) Proof of current certification in cardiopulmonary resuscitation and completion of the continuing education requirements during the 2 years prior to restoration in accordance with Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs;
 - 2) Either:
 - A) Evidence of an existing therapeutic pharmaceutical agent certification at the time the license was placed in inactive or expired status; or
 - B) Proof of completion of the requirements of Section 1320.50(a)(1)(A), (B) or (C)~~(B)~~; and
 - 3) The proper fees, either:
 - A) The restoration fees, when restoring an expired license, specified in Section 1320.400(c)(1)~~of this Part~~; or
 - B) The renewal fees, when restoring an inactive license, specified in Section 1320.400(b)(1)~~of this Part~~.

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- b) In addition to satisfying the requirements of subsection (a), the licensee shall also submit:
- 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If application is made within 2 years of discharge, and if all other provisions of Section 16 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees;
 - 3) Evidence of other education or experience acceptable to the Division of the licensee's fitness to have the certificate restored. Such evidence shall be reviewed on a case by case basis by the Board; or
 - 4) Certification of passage of Part III of the examination administered by NBEO, by NBEO standards. The Board may, in its discretion and in individual cases, make a recommendation to the Director for the waiver of the clinical skills examination or Part III of the examination in accordance with Section 11 of the Act based on quality of education, training and experience including, but not limited to, special honors and awards, articles published in optometry journals, writing or participation in the writing of textbooks in optometry or any other circumstances or attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in optometry.
- c) A licensee seeking restoration of a license that has expired or been on inactive status for less than 3 years, or has been placed in non-renewed status for failure to comply with continuing education (CE) requirements shall file an application on forms provided by the Division, together with:
- 1) Proof of current certification in cardiopulmonary resuscitation and completion of continuing education (CE) requirements during the 2 years prior to restoration in accordance with Section 1320.80 ~~of this Part~~. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education

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programs;

- 2) Either:
 - A) Evidence of an existing therapeutic pharmaceutical agent certification at the time the license was placed in inactive or expired status; or
 - B) Proof of completion of the requirements of Section 1320.50(a)(1)(A), (B) or (C)~~(B)~~; and
- 3) The restoration fees specified in Section 1320.400 ~~of this Part~~. For the purpose of restoring from inactive status the Division shall consider that no renewal fees have lapsed during the period of inactive status.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 12 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is reasonably questioned by the Division because of a lack of information, discrepancies or conflicts in information given, or there is a need for clarification, the licensee seeking restoration of the license will be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for interviews before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the Division, an applicant shall have the license restored.

(Source: Amended at 34 Ill. Reg. 2883, effective February 18, 2010)

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1800.110	New Section
1800.115	New Section
1800.120	New Section
1800.210	New Section
1800.220	New Section
1800.230	New Section
1800.240	New Section
1800.250	New Section
1800.260	New Section
1800.270	New Section
1800.310	New Section
1800.320	New Section
1800.410	New Section
1800.420	New Section
1800.430	New Section
1800.510	New Section
1800.520	New Section
1800.530	New Section
1800.540	New Section
1800.550	New Section
1800.560	New Section
1800.570	New Section
1800.580	New Section
1800.610	New Section
1800.615	New Section
1800.620	New Section
1800.625	New Section
1800.630	New Section
1800.635	New Section
1800.640	New Section
1800.650	New Section
1800.660	New Section
1800.670	New Section
1800.680	New Section

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1800.690	New Section
1800.695	New Section
1800.710	New Section
1800.715	New Section
1800.720	New Section
1800.725	New Section
1800.730	New Section
1800.735	New Section
1800.740	New Section
1800.745	New Section
1800.750	New Section
1800.760	New Section
1800.770	New Section
1800.780	New Section
1800.790	New Section
1800.810	New Section

- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40]
- 5) Effective Date of Rulemaking: February 22, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 30, 2009; 33 Ill. Reg. 14667
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The final version makes the following changes:

Section 1800.110 defines an individual resident of Illinois as someone who is either: (i) domiciled in Illinois or maintains a bona fide place of abode in Illinois; or (ii) is required

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to file an Illinois tax return during the taxable year. Definitions of "Administrator" and "use agreement" are added, also.

Section 1800.230 limits the requirement to maintain and provide inventory of associated video gaming equipment, so that it applies only to certified video gaming terminals sold by the manufacturer for use in Illinois.

Section 1800.250 requires video terminal operators to establish separate bank accounts for their aggregate revenues, instead of the revenues derived from each licensed location.

Section 1800.270 deletes a proposed subsection prohibiting the cashing of third-party checks, including but not limited to payroll checks, for video gaming play.

Section 1800.310 adds a new subsection (a)(20) making it grounds for discipline to facilitate, enable, or participate in the use of coin-operated amusement devices for gambling purposes on or after December 16, 2009.

Section 1800.320 adds a new subsection (e) requiring all use agreements to contain a provision releasing the video gaming location from any continuing contractual obligation to the terminal operator in the event that the terminal operator has its license revoked or surrenders its license.

Section 1800.420 (c) mandates the Board to deny a video terminal operator license to persons who, *on or after December 16, 2009*, have facilitated, enabled, or participated in the use of coin-operated amusement devices for gambling purposes, or who are under the significant influence or control of such persons. It also provides that the Board has discretion to deny a video terminal operator license to persons who, *before December 16, 2009*, have committed such facilitation, enabling or participation, or are under the significant influence or control of such persons.

Section 1800.430 gives the Board discretionary authority to apply the Section's disclosure requirements to institutional investors holding less than 10% of the shares of a publicly-traded company and expands the scope of language providing that banks or other licensed lending institutions that hold mortgages or other liens acquired in the ordinary course of business are not persons with "significant influence or control". As revised, this language applies to other sources of funds approved by the Administrator.

Section 1800.615 inserts language relating to requests for hearing that was inadvertently left out of the First Notice version. The inserted language does the following:

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Sets forth the information that must be provided in a request for hearing (subsection (d));

Requires a request for hearing to be made within 10 days of receipt of notice of denial from the Board (subsection (e));

Provides that if a request for hearing is not filed within 10 days of receipt of notice from the Board, then the notice of denial becomes the final order of the Board denying the application (subsection (f));

Provides that a request for hearing shall be deemed granted unless denied. Allows the Board to deny a request for hearing if the statement of the reasons and facts that it contains does not establish a prima facie case or fails to comply with any of the other requirements of this section. Provides that a denial of a request for hearing is a final decision of the Board (subsection (g));

Provides that a request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that such denial or dismissal is not in the best interests of the public and the video gaming industry. If the Board allows a petitioner to withdraw a hearing request, the initial notice of denial becomes a final Board order on the date leave to withdraw is granted. Allows the Board to move for entry of default judgment if the petitioner does not prosecute his case after 21 days (subsection (h));

Authorizes a request for hearing to be submitted by personal delivery, certified mail, or overnight express mail (subsection (i));

Directs requests for hearing to be submitted to the Administrator at the Board's offices in Chicago (subsection (j)); and

Provides that if a request for hearing is granted, an Administrative Law Judge will be appointed to conduct the hearing (subsection (k))

Additional changes make numerous minor and technical changes throughout the adopted rulemaking.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? This rulemaking will replace the emergency rulemaking published at 33 Ill. Reg. 14793 on October 30, 2009 and effective October 19, 2009.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking implements the provisions of the Video Gaming Act enacted by Public Act 96-34 and amended by Public Acts 96-37 and 96-38. The Video Gaming Act authorizes installation of video gaming terminals used for wagering purposes in various categories of licensed locations and provides for the distribution of specified percentages of video gaming revenues to State and local governments for designated purposes. The Illinois Gaming Board is responsible for administering and enforcing the Video Gaming Act.
- 16) Information and questions regarding this adopted rulemaking may be addressed to:

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

312/814-4700
Fax 312/814-4143
michael.fries@igb.illinois.gov

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

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NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Violations
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

SUBPART E: LICENSING PROCEDURES

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Section

1800.510	Coverage of Subpart
1800.520	Form of Application
1800.530	Submission of Application
1800.540	Application Fees
1800.550	Consideration of Applications by the Board
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610	Coverage of Subpart
1800.615	Requests for Hearing Regarding Denial of Application
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment

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1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

1800.810	Location and Placement of Video Gaming Terminals
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AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Emergency Rule adopted at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions

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

"Act": The Video Gaming Act [230 ILCS 40].

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Applicant": A person applying for any license under the Video Gaming Act.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

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Illinois laws, regulations, and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours, sells motor fuel, and a limited selection of snacks and general goods.

"Credit": Five, ten or twenty-five cents.

"Distributor": An individual, partnership, or corporation licensed under this Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code.

"Illinois resident":

With respect to an individual, an individual who is either:

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domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act.

"Licensed fraternal establishment": The location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed technician": An individual who is licensed under this Act to repair, service, and maintain video gaming terminals.

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under this Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual,

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partnership, or corporation defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Video Gaming Act.

"Licensed truck stop establishment": A facility that is at least a 3-acre facility with a convenience store and with separate diesel islands for fueling commercial motor vehicles and parking spaces for commercial motor vehicles as defined in Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5/18b-101].

"Licensed veterans establishment": The location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Video Gaming Act.

"Manufacturer": An individual, partnership or corporation that is licensed under this Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Person": Includes both individuals and business entities.

"Supplier": An individual, partnership or corporation that is licensed under this Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership or corporation that is licensed under this Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location.

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"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

Section 1800.115 Gender

Words importing the masculine gender include females and neutral entities.

Section 1800.120 Inspection

The Board and its agents shall have unrestricted access to enter the premises or motor vehicles of any licensee or applicant where evidence of compliance or noncompliance with the provisions of the Act or this Part may be found.

SUBPART B: DUTIES OF LICENSEES

Section 1800.210 General Duties of All Video Gaming Licensees

In addition to all other duties and obligations required by the Video Gaming Act and this Part, each video gaming licensee and applicant for licensure under the Act has an ongoing duty to comply with the following:

- a) Comply with all federal, State and local laws and regulations;
- b) At all times, conduct himself in a professional manner when communicating with the public and the Board;

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- c) Disclose all ownership interest to the Board in accordance with the Video Gaming Act and this Part;
- d) Conduct the licensee's video gaming operation in a manner that does not pose a threat to the public health, safety, morals, good order or general welfare of the people of the State of Illinois;
- e) Conduct the licensee's video gaming operation in a manner that does not discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- f) Conduct the licensee's video gaming operation in a manner that does not reflect adversely on the security or integrity of the Illinois video gaming industry;
- g) Keep current in all payments and obligations to the State of Illinois and to other licensees with whom video gaming business is conducted.
- h) Identify to the Board any individual or entity acting on behalf of the licensee, for compensation, with regard to Board action.
- i) Notify the Board of any proposed change in ownership or any transaction that requires approval of qualifications in accordance with the Act and this Part on forms supplied or approved by the Board and containing such information and documents as specified, and at such time as required, by the Administrator.

Section 1800.220 Continuing Duty to Report Violations

Licensees and applicants for licensure under the Act and persons with significant influence and control must promptly report all of the following to the Administrator or his designee:

- a) A violation of the Act, this Part or any illegal conduct including, but not limited to, the possession, maintenance, facilitation or use of any illegal gaming device;
- b) Any fact, event, occurrence, matter or action that may affect the conduct of video gaming or the business and financial arrangements incidental to the conduct of video gaming, or the ability to conduct the activities for which the licensee is licensed including, but not limited to, any change in persons identified as having significant influence or control;

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- c) Each arrest, summons, citation or charge for any criminal offense or violation, excluding minor traffic violations; and
- d) Any adverse action taken or nonrenewal relative to a liquor license.

Section 1800.230 Duties of Licensed Manufacturers

In addition to all other duties and obligations required by the Video Gaming Act and this Part, each licensed manufacturer has an ongoing duty to comply with the following:

- a) Manufacture video gaming terminals and associated video gaming equipment for placement in the State in accordance with the specifications and procedures set forth in the Act, this Part or adopted by the Board;
- b) Maintain and provide inventory of associated video gaming equipment for certified video gaming terminals sold by the manufacturer for use in Illinois to ensure the timely repair and continued, approved operation and play of those video gaming terminals;
- c) Provide technical assistance and training in accordance with the Act and this Part;
- d) Comply with the provisions of the Gaming Device Act of 1962 (15 USC 1173);
- e) Obtain all approvals and certifications required by the Video Gaming Act and this Part or as required by the Board; and
- f) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment.

Section 1800.240 Duties of Licensed Distributors

In addition to all other duties and obligations required by the Act and this Part, each licensed distributor has an ongoing duty to comply with the following:

- a) Buy, sell, distribute, lease or market in Illinois only video gaming terminals that have been tested and certified for use in Illinois;
- b) Provide technical assistance and training in accordance with the Act and this Part; and

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- c) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment.

Section 1800.250 Duties of Licensed Video Terminal Operators

In addition to all other duties and obligations required by the Act and this Part, each licensed terminal operator has an ongoing duty to comply with the following:

- a) Assume the primary responsibility for the operation and maintenance of video gaming terminals and for payment of tax remittance to the State as required by the Act;
- b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier or technician, an inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- c) Ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- d) Assume responsibility for the payment of valid receipt tickets issued by video gaming terminals it operates;
- e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- f) Assume responsibility for terminal and associated video gaming equipment malfunctions, including any claim for the payment of credits arising from malfunctions;
- g) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- h) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;

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- i) Maintain a separate bank account for each licensed video gaming location for deposit of aggregate revenues generated from the play of video gaming terminals and allow for electronic fund transfers for tax payments;
- j) Enter into written use agreements with licensed video gaming locations that comply with the Act and this Part;
- k) Obtain and install, at no cost to the State and as required by the Board, all hardware, software and related accessories necessary to connect video gaming terminals to a central communications system;
- l) Offer or provide nothing of value to any licensed video gaming location or any agent or representative of any licensed video gaming location as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- m) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment;
- n) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- o) Respond to service calls within a reasonable time from the time of notification by the video gaming location;
- p) Immediately remove all video gaming terminals from the restricted area of play:
 - 1) upon order of the Board or an agent of the Board, or
 - 2) that have been out of service or otherwise inoperable for more than 72 hours;
- q) Provide the Board with a current list of video gaming terminals acquired for use in Illinois; and
- r) Not install, remove or relocate any video gaming terminal without prior notification and approval of the Administrator or his designee.

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Section 1800.260 Duties of Licensed Technicians

In addition to all other duties and obligations required by the Act and this Part, each licensed technician has an ongoing duty to comply with the following:

- a) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- b) Promptly notify the Board of any unauthorized or illegal video gaming location or any video gaming terminal that is in violation of Section 35 of the Video Gaming Act;
- c) Ensure that every video gaming terminal is licensed by the Board before any service, maintenance or repair is performed;
- d) Comply with all specifications and technical requirements issued by the Board; and
- e) Carry and display identification issued by the Board when working on video gaming terminals and associated video gaming equipment.

Section 1800.270 Duties of Licensed Video Gaming Locations

In addition to all other duties and obligations required by the Act and this Part, each licensed video gaming location has an ongoing duty to comply with the following:

- a) Provide a secure premise for the placement, operation and play of video gaming terminals;
- b) Permit no one to tamper with or interfere with the approved operation of any video gaming terminal;
- c) Ensure that all connections with the central communications system and associated video gaming equipment are at all times maintained and prevent any person from tampering or interfering with the approved, continuing operation of the central communications system;
- d) Accept nothing of value from any video terminal operator or any agent or representative of any video terminal operator as an incentive or inducement to

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locate, keep or maintain video gaming terminals at the licensed video gaming location;

- e) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- f) Immediately remove all video gaming terminals from the restricted area of play:
 - 1) upon order of the Board or an agent of the Board, or
 - 2) that have been out of service or otherwise inoperable for more than 72 hours;
- g) Enter written use agreements with licensed video terminal operators that comply with this Part;
- h) Ensure that video gaming terminals are placed and remain in a designated, approved location;
- i) Prevent access to or play of video gaming terminals by persons who are under the age of 21 years or who are visibly intoxicated;
- j) Commit no violations of the laws of this State concerning the sale, dispensing or consumption on premises of alcoholic beverages that results in suspension or revocation of any liquor license held by or associated with a licensed video gaming location;
- k) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- l) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- m) Promptly report all malfunctions of video gaming terminals and all out-of-service terminals to the video terminal operator and promptly notify the Board of a terminal operator's failure to provide service and repair of terminals and associated equipment within 24 hours after notice to the terminal operator;

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- n) Install, post and display signs as required by the Board;
- o) Promptly notify the Board of any unauthorized or illegal video gaming terminals or any video gaming device that is in violation of Section 35 of the Video Gaming Act;
- p) Exercise control over the licensed video gaming location;
- q) Promptly notify the Board of any action taken on or related to any liquor license held;
- r) Maintain insurance coverage on all gaming devices in an amount set by the Board; and
- s) Allow maintenance and/or service of video gaming terminals and associated video gaming equipment only by licensed technicians and licensed terminal handlers possessing valid identification issued by the Board.

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section 1800.310 Grounds for Disciplinary Actions

- a) Holders of any license issued under the Act and identified persons with significant influence or control shall be subject to imposition of fines, suspension, revocation or restriction of license, or other disciplinary action for any act or failure to act by themselves or by their agents or employees that is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois, or that would discredit or tend to discredit the Illinois video gaming industry or the State of Illinois. Without limiting the provisions of this subsection (a), the following acts or omissions may be grounds for discipline:
 - 1) Failing to comply with or make provision for compliance with the Act, this Part, any federal, State or local law or regulation, or a control system or protocol mandated by the Board;
 - 2) Failing to comply with any order or ruling of the Board or its agents pertaining to the regulation of video gaming in Illinois;

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- 3) Receiving goods or services from a licensee or other person in violation of the Act's licensing requirements, or in violation of any restriction, condition or prohibition of a license;
- 4) Being suspended or ruled ineligible or having a license revoked or suspended in any state or gaming or video gaming jurisdiction;
- 5) Employing, associating with, or participating in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;
- 6) Employing, associating with, or participating in any enterprise or business with persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body;
- 7) Failing to establish and maintain standards and procedures designed to prevent ineligible or unsuitable persons from being employed by the licensee, including any person known to have been found guilty of cheating or using any improper device in connection with any game or gaming device regulated under the Act or under the law of any gaming jurisdiction;
- 8) Misrepresenting any information to the Board;
- 9) Intentionally making, causing to be made, or aiding, assisting, or procuring another to make any false statement in any report, disclosure, application, permit, form, or any other document, including improperly notarized documents, required by the Act, this Part or Board requirements;
- 10) Submitting tardy, inaccurate, or incomplete material or information to the Board;
- 11) Obstructing or impeding the lawful activities of the Board or its agents;
- 12) Willfully or repeatedly failing to pay amounts due or to be remitted to the State;
- 13) Failing to timely pay amounts due or to be remitted to the State;

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- 14) Failing to timely pay a fine imposed by the Board;
 - 15) Failing to respond in a timely manner to communications from the Board;
 - 16) Being unavailable to the Board or its representatives or agents;
 - 17) Aiding and abetting a violation by a Board member or employee, or other government official, of a requirement established by statute, resolution, ordinance, personnel code or code of conduct;
 - 18) Violation of the Act or this Part by any person identified as a person with significant influence or control;
 - 19) Employing, associating with, or participating in any enterprise or business with a person determined unsuitable to be a person with significant influence or control over an applicant or licensee by the Board or any other gaming jurisdiction; and
 - 20) Facilitating, enabling or participating in the use of coin-operated amusement devices for gambling purposes on or after December 16, 2009.
- b) A licensee whose employment has been terminated is subject to revocation of license for any act or failure to act that occurred while licensed.
 - c) A person who has had his or her license revoked by the Board may not reapply for a license without permission from the Board.

Section 1800.320 Minimum Standards for Use Agreements

In addition to the requirements set forth in the Act, a Use Agreement must satisfy the following:

- a) Only be between a licensed terminal operator and a licensed establishment, licensed truck stop establishment, licensed veterans establishment or licensed fraternal establishment;
- b) Contain an affirmative statement that no inducement was offered or accepted regarding the placement or operation of video gaming terminals in a licensed

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establishment, licensed truck stop establishment, licensed veterans establishment or licensed fraternal establishment;

- c) Contain an indemnity and hold harmless provision on behalf of the State, the Board, and its agents relative to any cause of action arising from a use agreement;
- d) Prohibit any assignment other than from a licensed terminal operator to another licensed terminal operator.
- e) Contain a provision that releases the video gaming location from any continuing contractual obligation to the terminal operator in the event that the terminal operator has its license revoked or surrenders its license.

SUBPART D: LICENSING QUALIFICATIONS

Section 1800.410 Coverage of Subpart

The rules contained in this Subpart shall govern qualifications for all types of licenses issued by the Board pursuant to the Act.

Section 1800.420 Qualifications for Licensure

- a) In addition to the qualifications required in the Act, the Board may not grant any video gaming license until the Board is satisfied that the applicant is:
 - 1) A person of good character, honesty and integrity;
 - 2) A person whose background, including criminal record, reputation and associations, is not injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois;
 - 3) A person whose background, including criminal record, reputation and associations, does not discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
 - 4) A person whose background, including criminal record, reputation, habits, social or business associations does not adversely affect public confidence and trust in gaming or pose a threat to the public interests of the State or to the security and integrity of video gaming;

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- 5) A person who does not create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of video gaming;
 - 6) A person who does not present questionable business practices and financial arrangements incidental to the conduct of video gaming activities or otherwise;
 - 7) A person who, either individually or through employees, demonstrates business ability and experience to establish, operate and maintain a business for the type of license for which application is made;
 - 8) A person who does not associate with, either socially or in business affairs, or employ persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body; and
 - 9) A person who has not had a gaming license revoked in any other jurisdiction.
- b) In addition to all other qualifications required in the Act and this Part, the Board may not grant a video terminal operator license until the Board is satisfied that the applicant:
- 1) Is a person who demonstrates adequate financing for the business proposed. The Board shall consider whether any financing is from a source that meets the qualifications in subsections (a)(1) through (9) of this Section and is in an amount sufficient to ensure the likelihood of success in the performance of the licensee's duties and responsibilities pursuant to the Act and this Part; and
 - 2) Has disclosed all persons with significant influence or control over the applicant or licensee.
- c) Past Participation in Video Gaming
- 1) The Board shall not grant a license to a person who has facilitated, enabled or participated in the use of coin-operated amusement devices for

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gambling purposes on or after December 16, 2009, or who is under the significant influence or control of such a person.

- 2) The Board has discretion not to grant a license to a person who, before December 16, 2009, has facilitated, enabled or participated in the use of coin-operated amusement devices for gambling purposes, or who is under the significant influence or control of such a person.

Section 1800.430 Persons with Significant Influence or Control

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:
 - 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
 - 2) Comply with the Act and this Part; and
 - 3) Submit annual disclosure information on forms provided by the Board.
- c) Persons with significant influence and control include, but are not limited, to the following:
 - 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
 - 2) Each person who holds, directly or indirectly, a "substantial interest" in an applicant or licensee, except that an institutional investor holding less than 10% of the shares of a publicly-traded company shall file disclosures as provided by the Board;
 - 3) Each person who, in the opinion of the Administrator, has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation, other than a bank or other licensed

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lending institution that holds a mortgage or other lien acquired in the ordinary course of business, or any other source of funds approved by the Administrator;

- 4) For any non-corporate applicant, persons who, in the opinion of the Administrator, have the ability to control the applicant; and
- 5) Persons having the power to exercise significant influence over decisions concerning any part of the applicant's or licensee's video gaming operation.

SUBPART E: LICENSING PROCEDURES

Section 1800.510 Coverage of Subpart

The rules contained in this Subpart shall govern procedures for applying for, renewing and maintaining all types of licenses issued by the Board pursuant to the Act.

Section 1800.520 Form of Application

All applicants for licenses issued by the Board must submit applications for licensure or renewal of license on forms provided by the Board.

Section 1800.530 Submission of Application

All applications shall be submitted to the Board at its office in Chicago (160 N. LaSalle St., Chicago IL 60601).

Section 1800.540 Application Fees

All applicants for a license issued by the Board shall pay the following application fees, as applicable, at the time of filing their application:

- a) Manufacturer – \$5,000
- b) Distributor – \$5,000
- c) Terminal Operator – \$5,000

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- d) Supplier – \$2,500
- e) Technician – \$100
- f) Terminal Handler – \$50

Section 1800.550 Consideration of Applications by the Board

Only complete applications will be considered for licensure. Applications are complete when the applicant has submitted:

- a) All information required by the Act and this Part;
- b) All information required or requested by the Board; and
- c) Payment of the application fee.

Section 1800.560 Issuance of License

The Board may only issue a license after the background investigation is complete, the Board determines the applicant is suitable for licensure and the applicant has paid the required application fee.

Section 1800.570 Renewal of License

- a) The Board may only renew a license upon receipt of the applicable renewal fee and any renewal forms provided by the Board.
- b) The Board may only renew a license if the licensee continues to meet all qualifications for licensure set forth in the Act and this Part.

Section 1800.580 Renewal Fees and Dates

A licensee shall pay the following license fees annually, as applicable:

- a) Manufacturer – \$10,000
- b) Distributor – \$10,000

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- c) Terminal Operator – \$5,000
- d) Supplier – \$2,000
- e) Technician – \$100
- f) Licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment – \$100
- g) Video gaming terminal – \$100
- h) Terminal Handler – \$50

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section 1800.610 Coverage of Subpart

The rules contained in this Subpart shall govern all hearings requested upon issuance of a notice of denial of an application for licensure. Hearings under this Subpart are de novo proceedings for the creation of a record regarding an applicant's suitability for licensure. A hearing under this Subpart is not an appeal of Board action.

Section 1800.615 Requests for Hearing Regarding Denial of Application

- a) If the Board finds that an applicant is not suitable for licensing, it shall issue the applicant a notice of denial.
- b) The Board shall serve notice on the applicant by personal service or U.S. certified mail and U.S. mail to the last known address of the applicant. Service is complete four days after mailing.
- c) Should an applicant wish to contest the action the Board has taken regarding his application, the applicant must submit a request for hearing to the Board.
- d) All requests for hearing shall be in writing and shall include an original and one copy. The request shall contain the following:
 - 1) The name, current address and current telephone number of the petitioner (the applicant);

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- 2) Detailed reasons why and the facts upon which the petitioner will rely to show that the petitioner is suitable for licensure, including specific responses to any facts enumerated in the Board's notice of denial;
- 3) A signature of the petitioner;
- 4) A verification of the petition in the following form:

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

- 5) The request must be notarized.
- e) A request for hearing must be made within 10 days after receipt of notice of denial from the Board. A request shall be deemed filed on the date on which it is postmarked.
 - f) If a request for hearing is not filed within 10 days after the receipt of notice from the Board, then the notice of denial becomes the final order of the Board denying the applicant's license application.
 - g) A request for hearing shall be deemed granted unless denied. The Board may deny a request for hearing if the statement of the reasons and facts that it contains does not establish a prima facie case or fails to comply with any of the other requirements of this Section. The Board's denial of a request for hearing is a final decision and the denial of licensure becomes a final order on the date the Board denies the request for hearing.
 - h) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the video gaming industry. If the Board allows a petitioner to withdraw a hearing request, the initial notice of denial becomes a final Board order on the date leave to withdraw is granted. If the petitioner does not prosecute his/her case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in entry of default judgment against the petitioner.

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- i) The petitioner may submit a request for hearing by:
 - 1) personal delivery;
 - 2) certified mail, postage prepaid; or
 - 3) overnight express mail, postage prepaid.
- j) All requests for hearing must be submitted to the Administrator at the Board's offices in Chicago
- k) If a request is granted, an Administrator Law Judge will be appointed to conducting a hearing.

Section 1800.620 Appearances

- a) All petitioners may be represented by an attorney who is licensed to practice in Illinois. All attorneys who appear in a representative capacity on behalf of a petitioner must file a written appearance setting forth:
 - 1) The name, address and telephone number of the attorney;
 - 2) The name and address of the petitioner the attorney represents; and
 - 3) An affirmative statement that the attorney is licensed to practice in Illinois.
- b) Only individual attorneys may file appearances. Any petitioner's attorney who has not filed an appearance may not address the Administrative Law Judge or sign pleadings.
- c) An attorney may only withdraw his appearance upon written notice to the Administrative Law Judge.
- d) An individual may appear on his own behalf.
- e) A partner may appear on behalf of a partnership.
- f) A corporation and a limited liability company must be represented by an attorney.

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Section 1800.625 Appointment of Administrative Law Judge

- a) The Chairman of the Board may provide for or appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may provide for the appointment of an Administrative Law Judge to conduct a hearing in accordance with this Subpart. The petitioner will be copied on the letter of appointment and the letter will serve as notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties of that date.
- b) If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the petitioner setting forth the specific grounds for disqualification. The petitioner shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the petitioner or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the petitioner in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself upon determining that bias or conflict of interest exists. Grounds for disqualification of Administrative Law Judge shall include but not be limited to:
 - 1) Financial interest or pecuniary benefit derived from the gaming industry;
 - 2) Personal friendship with any of the parties, witnesses or attorneys involved;
 - 3) Past representation of any of the parties or witnesses involved; or
 - 4) Demonstrable pre-disposition on the issues.
- c) If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge

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will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

Section 1800.630 Discovery

- a) Upon written request served on the opposing party, a party shall be entitled to:
 - 1) The name and address of any witness who may be reasonably expected to testify on behalf of the opposing party;
 - 2) All documents or other materials in the possession or control of the opposing party that the opposing party reasonably expects will be necessary to introduce into evidence. Petitioner's burden of production includes those documents petitioner reasonably expects to introduce into evidence either in his, her or its case-in-chief or in rebuttal. Rebuttal documents, to the extent that they are not immediately identifiable, shall be tendered to the Board within 14 days after receipt of documents tendered to petitioner by the Board unless additional time is granted by the Administrative Law Judge.
- b) Discovery may be obtained only through written requests to produce witness lists, documents or other materials, as specified in subsection (a) of this Section. Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.

Section 1800.635 Subpoenas

- a) Subpoenas for the attendance of witnesses at hearing may be served by the petitioner only upon application to the Administrative Law Judge.
 - 1) The petitioner must show good cause, state the testimony to be elicited from a witness, state why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.

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- 2) An agent or employee of the Board may not be required by the petitioner to appear except under the procedures provided in this Section.
- b) The General Counsel of the Board or the Administrator may issue subpoenas for the attendance of witnesses or subpoenas duces tecum for the production of relevant documents, records or other material at a proceeding conducted under this Subpart F.

Section 1800.640 Motions for Summary Judgment

The Administrative Law Judge may recommend the granting or denial of a summary judgment motion upon the filing of an appropriate motion by any party. A recommendation for denial of a summary judgment motion shall not be considered by the Board until the completion of the proceedings pursuant to Section 1800.650.

Section 1800.650 Proceedings

- a) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing by clear and convincing evidence that the petitioner is suitable for licensing.
- b) All testimony shall be given under oath or affirmation.
- c) Both parties may present opening statements. Petitioner proceeds first.
- d) The petitioner shall then present his, her, or its case-in-chief.
- e) Upon the conclusion of the petitioner's case-in chief, the Board may move for a directed finding. The Administrative Law Judge may hear arguments on the motion or may grant, deny or reserve decision, without argument.
- f) If no motion for directed finding is made, or if the motion is denied or decision reserved, the Board may present its case.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon the conclusion of the Board's case, the petitioner may present evidence in rebuttal.

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- i) Both parties may present closing arguments. The petitioner proceeds first, then the Board, and thereafter the petitioner may present rebuttal argument.

Section 1800.660 Evidence

- a) The hearing need not be conducted according to the technical rules of evidence. Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statute that might make improper the admission of evidence over objection in a civil action. Hearsay may support a finding of the Administrative Law Judge if it is the best evidence available, has sufficient indicia of trustworthiness and reliability and is of the type reasonably and customarily relied on in the video gaming industry.
 - 1) If relevant and not precluded from the hearing by Section 6(d) of the Riverboat Gambling Act relating to all licensed applicants, official Illinois Gaming Board records or certified copies of the records shall be admissible into evidence;
 - 2) Official Illinois Gaming Board records are documents either prepared by or provided to the Board for the purpose of conducting its regular business;
 - 3) A petitioner must afford the Board an opportunity to investigate and verify information that petitioner intends to offer in support of his case. Petitioner shall not be permitted to introduce into evidence any information that the Board has not been afforded the opportunity to investigate and verify.
- b) The parties should, to the fullest extent possible, stipulate to all matters that are not or fairly should not be in dispute.
- c) The parties may make objections to evidentiary offers. When an objection is made, the Administrative Law Judge may receive the disputed evidence subject to a ruling at a later time.
- d) The Administrative Law Judge may take official notice of any generally accepted information or technical or scientific matter within the field of video gaming, and

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any other fact that may be judicially noticed by courts of this State. The parties shall be informed of any information, matter or facts so noticed, including any staff memoranda or data, and shall be given reasonable opportunity to refute that information.

Section 1800.670 Prohibition on Ex Parte Communication

No party or its representative shall communicate directly or indirectly with the Administrative Law Judge or a member of the Illinois Gaming Board regarding any pending denial, except upon notice to and opportunity for all parties to participate.

Section 1800.680 Sanctions and Penalties

- a) The Administrative Law Judge may impose sanctions and penalties if the Administrative Law Judge finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Sanctions and penalties include but are not limited to default judgment or directed finding on one or more issues.
- b) If a petitioner fails to testify on his own behalf with respect to any question propounded to him, the Administrative Law Judge may infer that such testimony or answer would have been adverse to the petitioner's case.
- c) Failure of a petitioner to appear at a hearing or scheduled proceeding shall constitute an admission of all matters and facts contained in the notice of denial. In such cases the Administrative Law Judge may take action based upon that admission or upon any other evidence, including affidavits, without any further notice to the petitioner.

Section 1800.690 Transmittal of Record and Recommendation to the Board

- a) The record shall consist of the following:
 - 1) The notice of denial, the request for hearing and all motions and rulings;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;

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- 4) Offers of proof, objections and rulings;
 - 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part of the proceedings involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.
 - c) Upon conclusion of the hearing the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
 - d) Final Board Order
 - 1) The Board shall review the entire record and shall render a written order including the bases for its decision.
 - 2) Copies of the final Board order shall be served on petitioner by personal delivery, certified mail or overnight express mail to petitioner's last known address.
 - 3) A final board order shall become effective upon personal delivery to a party or upon posting by certified or overnight express mail to petitioner's last known address.

Section 1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

An applicant who has been denied a license and who has requested a hearing under this Subpart shall be considered an applicant for purposes of compliance with applicable statutory provisions and this Part until final resolution of the request for hearing.

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section 1800.710 Coverage of Subpart

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The rules contained in this Subpart shall govern all disciplinary actions against licensees including, but not limited to, suspension and revocation of a license.

Section 1800.715 Notice of Proposed Disciplinary Action Against Licensees

- a) When notified of facts sufficient to support disciplinary action against a licensee or a person with significant influence or control, the Administrator shall immediately notify the Board and the licensee of the proposed disciplinary action. The notice shall advise the licensee of the following:
 - 1) A statement of the facts supporting the proposed disciplinary action;
 - 2) A description of the rule or statutory section the licensee has violated;
 - 3) A statement or description of the matters asserted and the consequences of the failure to respond;
 - 4) The name and mailing address of the Illinois Gaming Board.
- b) The Administrator shall serve the notice of proposed disciplinary action on the licensee by personal service or U.S. certified mail or U.S. regular mail to the last known address of the licensee. Service is complete four days after mailing.

Section 1800.720 Hearings in Disciplinary Actions

- a) Should a licensee wish to contest the proposed disciplinary action, the licensee must submit a response to the notice of proposed disciplinary action described in Section 1800.715 to the Administrator.
- b) All responses shall be in writing and shall include an original and one copy. The response shall contain the following:
 - 1) The name, current address and current telephone number of the licensee;
 - 2) A clear and concise statement admitting or denying each of the factual allegations set forth in the notice of proposed disciplinary action, with each admission or denial being shown in separately numbered paragraphs corresponding to the separately numbered paragraphs in the notice of proposed disciplinary action;

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- 3) For all factual allegations that the licensee denies, a clear and concise statement of facts upon which the licensee relies or will rely on at a hearing;
 - 4) A signature of the licensee;
 - 5) A verification of the licensee in the following form:
"The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.";
 - 6) The response must be notarized.
- c) The response must be filed within 21 days after receipt of the notice of proposed disciplinary action. A response shall be deemed filed on the date on which it is postmarked.
 - d) If a response is not filed within 21 days after receipt of the notice of proposed disciplinary action then the proposed disciplinary action becomes effective and final immediately.
 - e) No response shall be deemed filed if it fails to comply with any of the requirements of this Section.
 - f) The licensee may submit a response by:
 - 1) personal delivery;
 - 2) certified mail, postage prepaid; or
 - 3) overnight express mail, postage prepaid.
 - g) All responses must be submitted to the Administrator at the Board's offices in Chicago (160 N. LaSalle St., Chicago IL 60601).
 - h) If a response is properly filed, an Administrative Law Judge will be appointed to conduct a hearing.

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Section 1800.725 Appearances

- a) All licensees may be represented by an attorney who is licensed to practice in Illinois. All attorneys who appear in a representative capacity on behalf of a licensee must file a written appearance setting forth:
 - 1) The name, address and telephone number of the attorney;
 - 2) The name and address of the licensee the attorney represents; and
 - 3) An affirmative statement that the attorney is licensed to practice in Illinois.
- b) Only individual attorneys may file appearances. Any licensee's attorney who has not filed an appearance may not address the Administrative Law Judge or sign pleadings.
- c) An attorney may only withdraw his appearance upon written notice to the Administrative Law Judge.
- d) An individual may appear on his own behalf.
- e) A partner may appear on behalf of a partnership.
- f) A corporation and a limited liability company must be represented by an attorney.

Section 1800.730 Appointment of Administrative Law Judge

- a) The Chairman of the Board may provide for or appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may provide for the appointment of an Administrative Law Judge to conduct a hearing in accordance with this Subpart. The licensee will be copied on the letter of appointment and the letter will serve as notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties of that date.

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- b) If the licensee believes the Administrative Law Judge is biased or has a conflict of interest, the licensee may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the licensee setting forth the specific grounds for disqualification. The licensee shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the licensee or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the licensee in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself upon determining that bias or conflict of interest exists. Grounds for disqualification of Administrative Law Judge shall include but not be limited to:
- 1) Financial interest or pecuniary benefit derived from the gaming industry;
 - 2) Personal friendship with any of the parties, witnesses or attorneys involved;
 - 3) Past representation of any of the parties or witnesses involved; or
 - 4) Demonstrable pre-disposition on the issues.
- c) If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

Section 1800.735 Discovery

- a) Upon written request served on the opposing party, a party shall be entitled to:
- 1) The name and address of any witness who may be reasonably expected to testify on behalf of the opposing party;

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- 2) All documents or other materials in the possession or control of the opposing party that the opposing party reasonably expects will be necessary to introduce into evidence. The licensee's burden of production includes those documents the licensee reasonably expects to introduce into evidence either in his case-in-chief or in rebuttal. Rebuttal documents, to the extent that they are not immediately identifiable, shall be tendered to the Board within 14 days after receipt of documents tendered to petitioner by the Board unless additional time is granted by the Administrative Law Judge.
- b) Discovery may be obtained only through written requests to produce witness lists, documents or other materials, as specified in subsection (a) of this Section. Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.

Section 1800.740 Subpoenas

- a) Subpoenas for the attendance of witnesses at hearing may be served by the licensee only upon application to the Administrative Law Judge.
 - 1) The licensee must show good cause, state the testimony to be elicited from a witness, state why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.
 - 2) An agent or employee of the Board may not be required by the licensee to appear except under the procedures provided in this Section.
- b) The General Counsel of the Board or the Administrator may issue subpoenas for the attendance of witnesses or subpoenas duces tecum for the production of relevant documents, records or other material at a proceeding conducted under this Subpart G.

Section 1800.745 Motions for Summary Judgment

The Administrative Law Judge may recommend the granting or denial of a summary judgment motion upon the filing of an appropriate motion by any party. A recommendation for denial of a

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summary judgment motion shall not be considered by the Board until the completion of the proceedings pursuant to Section 1800.750.

Section 1800.750 Proceedings

- a) All testimony shall be given under oath or affirmation.
- b) Both parties may present opening statements. The Board will proceed first.
- c) The Board shall then present its case. The Board shall establish the charges contained in the notice of proposed disciplinary action by a preponderance of the evidence.
- d) Upon the conclusion of the Board's case, the licensee may move for a directed finding. The Administrative Law Judge may hear arguments on the motion or may grant, deny or reserve decision on the motion, without argument.
- e) If no motion for directed finding is made, or if such motion is denied or decision reserved, the licensee may present its case.
- f) The licensee bears the burden of rebutting the charges contained in the notice of proposed disciplinary action by clear and convincing evidence.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon the conclusion of the licensee's case, the Board may present evidence in rebuttal.
- i) If the Board presents rebuttal evidence, the licensee may present additional, non-cumulative, evidence in surrebuttal.
- j) Both parties may present closing arguments. The licensee proceeds first, then the Board and thereafter the licensee may present rebuttal argument.

Section 1800.760 Evidence

- a) The hearing need not be conducted according to the technical rules of evidence. Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed

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to rely in the conduct of serious affairs, regardless of the existence of any common law or statute that might make improper the admission of evidence over objection in a civil action. Hearsay may support a finding of the Administrative Law Judge if it is the best evidence available, has sufficient indicia of trustworthiness and reliability and is of the type reasonably and customarily relied on in the gaming industry.

- 1) If relevant, and not precluded from the hearing by Section 6(d) of the Riverboat Gambling Act relating to all licensed applicants, the official Illinois Gaming Board records or certified copies of the records shall be admissible into evidence if the records tend to prove or disprove an allegation contained in the complaint;
 - 2) Official Illinois Gaming Board records are documents either prepared by or provided to the Board for the purpose of conducting its regular business.
- b) The parties should, to the fullest extent possible, stipulate to all matters that are not or fairly should not be in dispute.
 - c) The parties may make objections to evidentiary offers. When an objection is made, the Administrative Law Judge may receive the disputed evidence subject to a ruling at a later time.
 - d) The Administrative Law Judge may take official notice of any generally accepted information or technical or scientific matter within the field of video gaming, and any other fact that may be judicially noticed by courts of this State. The parties shall be informed of any information, matter or facts so noticed, including any staff memoranda or data, and shall be given reasonable opportunity to refute that information.

Section 1800.770 Prohibition on Ex Parte Communication

No party or its representative shall communicate directly or indirectly with the Administrative Law Judge or a member of the Illinois Gaming Board regarding any pending disciplinary matter, except upon notice to and opportunity for all parties to participate.

Section 1800.780 Sanctions and Penalties

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- a) The Administrative Law Judge may impose sanctions and penalties if the Administrative Law Judge finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and penalties include but are not limited to default judgment or directed finding on one or more issues.
- b) If a licensee fails to testify on his own behalf with respect to any question propounded to him, the Administrative Law Judge may infer that such testimony or answer would have been adverse to the licensee's case.
- c) Failure of a licensee to appear at a hearing or scheduled proceeding shall constitute an admission of all matters and facts contained in the complaint. In such cases the Administrative Law Judge may take action based upon that admission or upon any other evidence, including affidavits, without any further notice to the licensee.

Section 1800.790 Transmittal of Record and Recommendation to the Board

- a) The record shall consist of the following:
 - 1) The notice of proposed disciplinary action, the response and all motions and rulings on motions;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings on those offers and objections;
 - 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part of the oral proceedings involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of the testimony or oral proceedings and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his/her

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recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

- d) Final Board Order
 - 1) The Board shall review the entire record and shall render a written order including the bases for its decision.
 - 2) Copies of the final Board order shall be served on the licensee by personal delivery, certified mail or overnight express mail to the licensee's last known address.
 - 3) A final board order shall become effective upon personal delivery to a party or upon posting by certified or overnight express mail to the party's last known address.

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN LICENSED
VIDEO GAMING LOCATIONS

Section 1800.810 Location and Placement of Video Gaming Terminals

- a) All licensed video gaming locations and terminal operators shall be responsible for the proper placement, installation, maintenance and oversight of video gaming terminals within a licensed video gaming location as prescribed by the Act and this Part.
- b) All video gaming terminals must be located in an area restricted to persons over 21 years of age. Any licensed video gaming location that allows minors to enter where video gaming terminals are located shall separate any video gaming terminals from the area accessible by minors.
- c) All video gaming terminals must be located in those areas of a licensed video gaming location with restricted visibility from areas outside of the business.
- d) When two or more adjacent businesses appear to the Administrator to be a single business, or are operated by the same or commingled ownership, then the Administrator may limit those businesses to the maximum number of video gaming terminals. The maximum will be the number permitted under Illinois law for one business as the total number of video gaming terminals authorized for

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both or more such businesses, where the Administrator determines that the limitation would further the intent of the Act and the integrity of video gaming in the State of Illinois.

- 1) In the event the Administrator decides that two or more adjacent businesses shall be a single business for purposes of determining the maximum number of video gaming terminals to which they are entitled, the Administrator shall provide the affected businesses with written notice of this decision in accordance with the notice requirements of Section 1800.615.
 - 2) An applicant that has been deemed to constitute a single business with one or more adjacent businesses for purposes of determining the maximum number of video gaming terminals to which it is entitled may submit a request for hearing to the Board. The hearing procedures shall be those set forth in Subpart F.
- e) The owner, manager or employee of the licensed video gaming location who is over 21 years of age shall be present during all hours of operation, and the video gaming terminals or the entrance to the video gaming terminal area must be within the view of at least one owner, manager or employee.

DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
830.10	Amendment
830.13	Amendment
830.30	Amendment
830.40	Amendment
830.60	Amendment
830.70	Amendment
830.90	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5]
- 5) Effective Date of Amendments: February 19, 2010
- 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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 20, 2009; 33 Ill. Reg. 15990
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Minor changes were made to correct grammar, spelling and punctuation errors. Significant changes are listed below:

Section 830.10(a)(1) – Quincy Bay – added "(except by special permit)" at the end of the text.

Section 830.13(d) – added new subsection "(4)":

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- 4) not set any tackle prior to 10:00 a.m. on October 1 on the Mississippi and Wabash Rivers. Any commercial gear that is being operated under a commercial roe harvest permit prior to 10:00 a.m. on the Mississippi or Wabash Rivers shall be considered an illegal device.

Section 830.13(e)(4)(A), the following language was moved to a new subsection labeled "(B)": "A second drawing for Illinois residents desiring a second permit will be held in July for any remaining unallocated permits and successful applicants will be issued a permit.

Section 830.13(e)(4)(B): The following language was added as the second sentence in the newly created subsection: "Applicants must have been issued a permit in at least one of the previous 2 years in order to be eligible to be issued one of the available permits."

Section 830.13(e)(4)(B) – the existing subsection "(B)" was re-labeled as subsection "(C)"; "previous drawings" was added and "July drawing" was stricken; following "bodies," added "and who have remaining unallocated permits." removed "Applicants must have been issued a permit in at least one of the previous 2 years in order to be eligible to be issued one of the available permits." and added "third" and deleted "second".

Section 830.30(e)(2) – deleted "CST and from 10 a.m. to 5 p.m. DST"

- 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: This Part was amended to make changes to the rule to be consistent with the rules established by the State of Kentucky and is intended to reduce confusion and improve compliance by establishing the areas of the Ohio River that are open to commercial fishing, adopt a restricted area, establish harvest seasons for the commercial harvest of shovelnose sturgeon and paddlefish and adopt season dates consistent with Kentucky's. Amendments were also made to: require that commercial roe harvesters register their crews with DNR, establish the number of commercial roe harvest permits issued for each body of water open to commercial roe harvest and establish protocol for issuing the limited number of available permits; amend the times

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that nets must be attended when operating and taking or possessing roe-bearing species; modify gill net mesh sizes to be consistent with Kentucky's requirements; add dates when a roe harvester permit is required to take bowfin; establish length limits for paddlefish; and add language regarding the information required on catch reports submitted to the Department and add the penalty for non-compliance.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Stanley Yonkausk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
830.13	Special Regulations for the Commercial Harvest of Roe-Bearing Species
830.15	Waters Open to Commercial Harvest of Crayfish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13,

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2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187, effective August 30, 2007; amended at 34 Ill. Reg. 2938, effective February 19, 2010.

Section 830.10 Waters Open to Commercial Harvest of Fish

- a) Mississippi River and connected public (wholly accessible by boat) backwaters, including that portion of the Kaskaskia River below the navigation lock and dam, except: ~~Quincy Bay, Quincy Bay Waterfowl Management Area, Spring Lake in the Upper Mississippi River Wildlife and Fish Refuge and Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters (except by special permit).~~
- 1) Quincy Bay, including Quincy Bay Waterfowl Management Area (except by special permit);
 - 2) Spring Lake in the Upper Mississippi River Wildlife and Fish Refuge; and
 - 3) Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters (except by special permit).
- b) Illinois River and connected public (wholly accessible by boat) backwaters from Route 89 highway bridge downstream, except for:
- 1) U.S. Fish and Wildlife National Wildlife Refuge waters;
 - 2) Donnelly/Depue Fish and Wildlife Area;
 - 3) Rice Lake Complex, including all of Big Lake;
 - 4) Meredosia Lake in Cass and Morgan Counties during the central zone duck season; ~~and~~
 - 5) Clear Lake in Mason County 7 days prior to and during the central zone duck season; ~~and-~~
 - 6) Route 89 highway bridge to Starved Rock Dam for the commercial removal of Asian carp only by a limited number of restricted period contracts.
- c) Wabash River.

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- d) Embarras River, except from Route 130 in Coles County upstream to Route 16 including Lake Charleston.
- e) Sangamon River, downstream of Belt Route 48 southwest of Decatur to mouth in Cass County.
- f) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.
- g) Little Wabash River.
- h) Big Muddy River south of State Route 14 highway bridge in Franklin County to mouth in Jackson County.
- i) Skillet Fork.
- j) Cache River from Route 51 downstream to the Mississippi River via Cache Diversion Channel but not including that portion of the Cache River between the Cache Diversion Channel Levee and the Ohio River.
- k) Saline River in Gallatin and Saline Counties.
- l) Ohio River, except for:-
 - 1) Lock and Dam 52 downstream to a line perpendicular with the end of the longest lock wall, including the circular cell portion;
 - 2) Lock and Dam 53 downstream to a line perpendicular with the end of the longest lock wall, including the circular cell portion;
 - 3) Smithland Dam downstream to a line perpendicular to the end of the outer lock wall; and
 - 4) Within 50 yards of the mouth of any tributary or stream.

(Source: Amended at 34 Ill. Reg. 2938, effective February 19, 2010)

Section 830.13 Special Regulations for the Commercial Harvest of Roe-Bearing Species

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- a) Shovelnose sturgeon may not be commercially harvested except in the Mississippi River (excluding the area from Lock and Dam 19 to the State Highway 9 Bridge in Niota), the Ohio River or the Wabash River. Shovelnose sturgeon may only be commercially harvested from October 1 through May 31 from the Mississippi and Wabash River and from October 15 through May 15 from the Ohio River inclusive.
- b) Paddlefish may not be commercially harvested except in the Ohio River, the Illinois River below Route 89, and the Mississippi River below Lock and Dam 19. Paddlefish may only be commercially harvested from October 1 through May 31 from the Mississippi and Illinois Rivers. Paddlefish may only be commercially harvested from November 1 through April 30 from the Ohio River.
- c) Shovelnose sturgeon X pallid sturgeon hybrids may not be commercially harvested from the Mississippi River downstream of Lock and Dam 26. Pallid sturgeon are federally and State listed endangered fish species that cannot be taken and must be immediately released unharmed back to the water. Any sturgeon belonging to the genus *Scaphirhynchus* that contains ~~any~~ one of the ~~two~~three morphological characteristics listed below shall be considered shovelnose sturgeon X pallid sturgeon hybrid or a pallid sturgeon and cannot be taken and must be immediately released unharmed back to the water:
- 1) belly completely lacking in scales; or
 - 2) bases (point of insertion) of outer barbels located greater than 2 mm (width of outer barbels) distanceslightly farther behind (posterior) the bases of inner ~~barbels~~barbells (point of insertion).~~;~~~~or~~
 - ~~3) length of inner barbels going at least 6.3 times into length of head.~~
- d) All commercial roe harvesters engaged in harvesting of roe-bearing species, including shovelnose sturgeon, paddlefish and bowfin, shall:
- 1) leave the roe of harvested shovelnose sturgeon, paddlefish and bowfin whole, intact and inside the body cavity of the fish while on the water or adjacent bank. However, the intact ovaries of paddlefish harvested from the Mississippi or Illinois Rivers may be removed while on the water with the carcasses of the fish the ovary is harvested from being retained for identification purposes;

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- 2) after complete retrieval of fishing tackle, commercial fishermen shall immediately remove all aquatic species that are not in compliance with size limits or are illegal species to take or possess and immediately return them without unnecessary injury to the waters from which taken, unless it is unsafe to remove fish where the net was pulled. In such case, fishermen shall immediately move to a shore area no more than ¼ mile from the location where the net was set, and then remove fish not legal for commercial fishermen to take. "Complete retrieval" means as soon as an individual piece of fishing tackle has been retrieved in whole to the fisherman's boat:-
 - 3) not kill roe-bearing species to check for eggs. Commercial roe harvesters may use a 10 or 12 gauge needle to examine roe-bearing species for the presence of eggs;
 - 4) not set any tackle prior to 10:00 a.m. on October 1 on the Mississippi and Wabash Rivers. Any commercial gear that is being operated under a commercial roe harvest permit prior to 10:00 a.m. on the Mississippi or Wabash River shall be considered an illegal device.
- e) Commercial Roe Permit
- 1) Commercial Roe Harvest Permits shall be valid only on the water specified on the permit: the Mississippi River, the Illinois River, the Ohio River or the Wabash River. The Mississippi River will be further divided into two zones, from Lock and Dam 26 upstream to the Wisconsin border (Northern Zone) and from Lock and Dam 26 downstream to the mouth of the Ohio River (Southern Zone).
 - A) Commercial fisherman who harvest shovelnose sturgeon under a Mississippi River, Southern Zone, commercial roe harvest permit will also be required to become certified by the Illinois Department of Natural Resources in their ability to discern between lake, shovelnose and pallid sturgeon.
 - B) Resident commercial fisherman will be allowed to procure permits for additional water bodies at no further charge, once their initial

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commercial roe harvest permit has been issued, based on availability.

- 2) Commercial Roe Harvest Permit holders shall provide an up-to-date listing of all helpers to IDNR on a form provided by IDNR (at the beginning of the commercial season prior to initiation of fishing activities and immediately during the commercial fishing season for any helper changes prior to initiation of fishing activities). An up-to-date helper list must be on file with IDNR prior to the initiation of fishing activities. A helper is defined as anyone aboard the boat of a commercial roe harvester.
- 3)2) ~~The~~ IDNR shall have the authority to restrict the number of permits issued for each body of water in order to establish a limited entry fishery to maintain a sustainable fishery for all caviar-bearing species based on the following criteria:
- A) The best biological information available pertaining to maintaining a sustainable level of harvest for target fish species based on the size, structure and abundance of each population of roe-bearing species.
- B) A determination of the potential impact of commercial fishing activities on other water-based recreational activities.
- C) Harvest Pressure. No more than the following number of permits, unless specifically authorized by IDNR by water area and type, may be issued in each commercial fishing season: Mississippi North – 30 paddlefish, sturgeon and bowfin permits; Mississippi South – 20 paddlefish and bowfin only permits and 10 sturgeon, paddlefish and bowfin permits; Ohio River – 10 paddlefish, sturgeon and bowfin permits; Wabash River – 25 sturgeon and bowfin only permits.
- 4)3) Application for permit (under a limited entry fishery)
- A) Illinois resident commercial fishermen may apply for a commercial roe harvest permit in June of each year. Applicants must have been issued a permit in at least one of the previous two years in order to be eligible to be issued one of the available permits.

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- B)** A second drawing for Illinois residents desiring a second permit will be held in July for any remaining unallocated permits and successful applicants will be issued a permit. Applicants must have been issued a permit in at least one of the previous 2 years in order to be eligible to be issued one of the available permits.
- CB)** Non-residents and Illinois residents who did not obtain a permit in the previous drawings~~July drawing~~, or who desire permits for additional water bodies, and who have remaining unallocated permits, may apply for a Commercial Roe Harvest Permit from the first business day in August until August 15. A ~~third~~second drawing will be held August 31, and successful applicants will be issued a permit.
- 5)4)** Any commercial fisherman who is found guilty~~convicted~~ of taking any of the species listed in 17 Ill. Adm. Code 1010.30(a) or (b) shall be ineligible to obtain a Commercial Roe Harvest Permit for a period of 36 months from the date the commercial fisherman is found guilty~~of conviction~~.

(Source: Amended at 34 Ill. Reg. 2938, effective February 19, 2010)

Section 830.30 Special Regulations

- a) Commercial fishing and musseling will not be permitted in any streams, ditches, or tributaries connected to the backwaters of the waters listed in Section 830.10, 830.15 or 830.20.
- b) Any person harvesting mussels for commercial use may possess during the open season only those mussels identified in Section 830.60 of legal size as established by Section 830.70. Mussels smaller than the legal size and all mussels not identified in Section 830.60 must be immediately returned to the mussel bed or location from which they were taken.
- c) It shall be illegal to possess mussel shell more than 15 days after the close of the season without a mussel dealer license.

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- d) Paddlefish may not be commercially harvested except in the Ohio River, the Illinois River below Route 89, and in the Mississippi River below Lock and Dam 19.
- e) Commercial fishing devices must be checked and emptied of catch at the following time intervals:
- 1) Hoop nets and basket traps must be attended at least once every 72 hours during open water conditions. During ice cover conditions, hoop nets and basket traps must be attended at least once every 20 days.
 - 2) Trammel and gill nets must be attended at least every 24 hours during open water conditions, except when operating under a Commercial Roe Harvester Permit. When operating and taking or possessing roe-bearing species, nets must be attended from 109 a.m. to 4 p.m. ~~CST and from 10 a.m. to 5 p.m. DST.~~ During ice cover conditions, trammel and gill nets must be attended at least every 96 hours.
 - 3) Trotlines and other hook and line devices must be checked at least every 24 hours.
 - 4) Seines and trammel or gill nets fished by driving or drifting methods must be constantly attended.
 - 5) Commercial gear containing dead or moribund fish as a result of failure to check gear and empty catch shall be considered an illegal device.
- f) Washboard mussels may not be taken on the Mississippi River.
- g) Crayfish may be taken by licensed commercial fishermen with legal seine only on waters open to the commercial harvest of crayfish. Nothing in this Part shall prohibit a licensed commercial fisherman from using as bait legal species of crayfish taken and used by a commercial fisherman on those bodies of water open to the commercial harvest of crayfish.
- h) In accordance with Section 830.60(b), crayfish may be possessed and used as bait by licensed commercial fishermen while operating commercial gear on other bodies.

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(Source: Amended at 34 Ill. Reg. 2938, effective February 19, 2010)

Section 830.40 Devices

- a) Commercial Fishing
 - 1) Devices used in the waters listed in Section 830.10 shall conform to all regulations as outlined in Article 15 of the Fish and Aquatic Life Code [515 ILCS 5/Art.15]. Hoop nets, basket traps, trot lines and dip nets may be used in all of the aforementioned waters.
 - 2) It shall be unlawful:
 - A) To use trammel nets and gill nets except in the Illinois River up to Route 89 Highway bridge, the Ohio River and the Mississippi River.
 - B) To use seines except in the Illinois, Mississippi, Ohio and Wabash Rivers (except seining will not be permitted in Boston Bay and its connected backwaters above the mouth of Boston Bay in Mercer County).
 - C) To use trammel nets or gill nets in the Ohio River with less than 4 inch bar mesh netting, except that, from May 1 through October 31, bar mesh size cannot be less than 4 inches or greater than 4.5 inches.
- b) Commercial Musseling
 - 1) Devices used in waters open to commercial musseling shall conform to all regulations as outlined in this subsection (b) and in Articles 1 and 15 of the Fish and Aquatic Life Code [515 ILCS 5/Arts. 1 and 15].
 - 2) It shall be unlawful:
 - A) To use hand forks.
 - B) To use basket dredges, mechanical devices and hand dredges in the taking of mussels.

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- C) To harvest mussels in the Ohio River except by using crowfoot bars.
 - D) To tether or hold mussels in any containment device. Mussels must be taken to the boat or released each day.
- 3) Brail or crowfoot bars must be 20 feet or less in length. No more than 3 bars may be possessed in each boat.
- c) Crayfish Harvest
Seines are the only commercial devices legal to use to commercially harvest crayfish in waters open to the commercial harvest of crayfish. They can be of any length, but not more than 6 feet in depth with a bag not more than 6 feet in height with a mesh no greater than ½ inch bar measurement.

(Source: Amended at 34 Ill. Reg. 2938, effective February 19, 2010)

Section 830.60 Species

- a) The following species of fish may be taken by licensed commercial fishermen:
- 1) Common Carp and Black Carp
 - 2) Buffalo
 - 3) Freshwater drum
 - 4) Catfishes (includes bullheads)
 - 5) Paddlefish (only in waters specified in Section 830.13); (roe harvester permit required)
 - 6) Carpsuckers
 - 7) Suckers (except Longnose Sucker)
 - 8) Redhorses (except River Redhorse and Greater Redhorse)

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- 9) Goldeye and Mooneye
 - 10) Gar (except alligator gar)
 - 11) Bowfin (~~ro~~only in waters specified in Section 830.13; roe harvester permit required from October 1 through May 31)
 - 12) American eel
 - 13) Shovelnose sturgeon (only in waters specified in Section 830.13); ~~(ro~~ harvester permit required)
 - 14) Gizzard shad
 - 15) White amur (grass carp)
 - 16) Minnows
 - 17) Goldfish
 - 18) Bighead Carp and Silver Carp
- b) With the exception of the crayfish species listed in 17 Ill. Adm. Code 1010 (Illinois List of Endangered and Threatened Fauna) and the rusty crayfish, all crayfish species are legal to possess and may be taken by licensed commercial fishermen with legal commercial devices (seines only) and used, consumed or sold for bait.
- c) The following species of mussels may be taken by licensed commercial musselers:
- 1) Washboard (*Megaloniaias nervosa*) (Ohio River Only)
 - 2) Threeridge (*Amblema plicata*)
 - 3) Mapleleaf (*Quadrula quadrula*)

(Source: Amended at 34 Ill. Reg. 2938, effective February 19, 2010)

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Section 830.70 Size Limit

- a) No channel catfish, blue catfish, flathead catfish or white catfish under 15 inches in length, undressed, or 12 inches in length, dressed, or 10.7 inches when dressed with the first vertebrae (T bone) removed, may be taken except in the Ohio River.
- b) No shovelnose sturgeon under 24 inches or over 32 inches in length may be taken from the Mississippi River or the Ohio River. No shovelnose sturgeon under 25 inches in length may be taken from the Wabash River. All shovelnose sturgeon shall be measured using fork length, defined as: "the length from the most anterior part of the fish to the tip of the median caudal fin rays" (from tip of the snout to the fork of the tail).
- c) No paddlefish less than 28 inches in length may be taken from the Illinois or Mississippi Rivers, no paddlefish less than 32 inches may be taken from the Ohio River. All paddlefish shall be measured using the eye fork length, defined as "the length from the anterior edge of the eye to the fork of the tail" (from the front of the eye to the fork of the tail).
- d)e) There is no size limit on other species listed in Section 830.60(a).
- e)d) All washboard mussels shall measure not less than 4.0 inches. All relic (dead) Washboards shall measure not less than 4.0 inches.
- f)e) All mapleleaf mussels shall measure not less than 2.75 inches.
- g)f) All threeridge mussels shall measure not less than 3.0 inches.

(Source: Amended at 34 Ill. Reg. 2938, effective February 19, 2010)

Section 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

- a) In accordance with Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], failure to comply with the provisions of the Fish and Aquatic Life Code of Illinois pertaining to commercial fishing and/or musseling in Illinois waters and this Part will result in suspension or revocation of the commercial fishing and/or musseling licenses. The procedure by which suspensions and revocations are made, the rights of commercial fishermen and musselers to notice

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and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules governing Department Formal Hearings Conducted for Rule-Making and Contested Cases).

- b) Where waters of the State are open to commercial fishing or musseling by contract, the contract will be revoked upon failure of the contractor to comply with all terms of the contract. Furthermore, any violation of a contract issued by the Director of the Department of Natural Resources or his agents shall be considered a violation of this Part and subject to the penalties as set forth in Sections 20-35 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-35, 20-105].
- c) Commercial fishermen shall submit an accurate annual record of the undressed weights of the species of fish and/or crayfish harvested to the Department by January 31 of the following year, whether or not any fish and/or crayfish were harvested. Commercial fishermen shall keep an accurate record of their catch. This record, showing the species, number of pounds of fish, type of device used, location taken and date of harvest, shall be open for inspection by employees of the Department at all times and retained for a period of 2 years after submission of all associated reports.
- d) Commercial fishermen on the Ohio River shall submit to the Department an accurate monthly record of the undressed weights and species of fish harvested by the 10th of each month following harvest, whether or not any fish were harvested.
- e)↯ Commercial roe harvesters shall submit an accurate monthly record containing the following information: the undressed weight of roe-bearing species, the unprocessed weight of roe from these fishes, and the name, address and date of sale to whom the roe was sold or given. This information shall be submitted to the Department by the 5th of the month following harvest. Submission of these reports is required whether or not roe-bearing species were harvested.
- f)↯ Commercial roe dealers shall submit to the Department by the 5th of the month following harvest an accurate record containing the unprocessed and processed weights of roe purchased, the date of transaction and the name, address and license number of the commercial roe harvesters. These reports are required whether or not roe was purchased.

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- ~~g)~~ Holders of a commercial mussel harvest license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells harvested or purchased on a monthly basis during the season by the 10th of each month following harvest, whether or not any mussels or mussel shells were harvested. Reports must be submitted on official Department of Natural Resources report forms.
- ~~h)~~ Holders of a commercial mussel dealers license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells purchased on a monthly basis during the season by the 10th of each month following purchase, whether or not any mussels or mussel shells were purchased. Reports must be submitted on official Department of Natural Resources report forms.
- ~~i)~~ Failure of licensed commercial mussel dealers, fishermen or musselers to submit the required reports in a manner and timeframe specified by the Department is a petty offense and shall be grounds for license suspension or revocation pursuant to 515 ILCS 5/20-35.

(Source: Amended at 34 Ill. Reg. 2938, effective February 19, 2010)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Racetrack Improvements
- 2) Code Citation: 11 Ill. Adm. Code 452
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
452.10	Amend
452.30	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: February 22, 2010
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 12653; September 18, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following changes were made as suggested by JCAR:
 1. In Section 452.30(d), change "maintaining" to "maintenance."
 2. In Section 452.30(d), after "prospectively", add "from December 13, 2009 (the date the Treasurer transferred funds from the Protest Fund to the Horse Racing Equity Trust Fund).".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed rulemakings pending in this Part? No

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: In accordance with Section 54.75(c) of the Illinois Horse Racing Act (the Horse Racing Equity Trust Fund), this adopted rulemaking requires annual reports from the racetrack operators regarding moneys received and expenditures.

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

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 452
RACETRACK IMPROVEMENTS

Section

452.10	Purpose
452.20	Definitions
452.30	Verification of Expenditures
452.40	Deadline for Filing

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

SOURCE: Adopted at 24 Ill. Reg. 15439, effective October 5, 2000; amended at 34 Ill. Reg. 2955, effective February 22, 2010.

Section 452.10 Purpose

- a) Pursuant to Section 26.1 of the Illinois Horse Racing Act [230 ILCS 5/26.1], This Part is designed to allow the Board shall to verify that an amount equal to at least 50% of the breakage retained by each licensee is used by the organization licensee for racetrack improvements at the racetrack from which the wagering facility derives its license, ~~as required by Section 26.1 of the Illinois Horse Racing Act [230 ILCS 5/26.1].~~
- b) Pursuant to Section 54.75(b)(2) of the Illinois Horse Racing Act (Horse Racing Equity Trust Fund), the Board shall verify that moneys distributed to the organization licensee are used to improve, maintain, market and otherwise operate its racing facilities to conduct live racing, which shall include backstretch services and capital improvements related to live racing and the backstretch.

(Source: Amended at 34 Ill. Reg. 2955, effective February 22, 2010)

Section 452.30 Verification of Expenditures

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Each organization licensee shall submit to the Board annually a report containing the following information:

- a) Pursuant to Section 26.1 of the Act, the amount of breakage earned in the previous year by organization licensee, intertrack wagering licensee; and intertrack wagering location licensee;
- b) Pursuant to Section 54.75(b)(2) of the Act, the amount of moneys received by the organization licensee in the previous year from the Horse Racing Equity Trust Fund;
- ~~c~~b) A detailed description of improvements made pursuant to Section 26.1 of the Act; ~~and~~
- d) A detailed description of expenditures made using the moneys received by the organization licensee pursuant to Section 54.75(b)(2) of the Act, including moneys used for improvements, maintenance, marketing, backstretch services, capital improvements and other operating expenses. Moneys received shall be applied prospectively from December 13, 2009 (the date the Treasurer transferred funds from the Protest Fund to the Horse Racing Equity Trust Fund), and organization licensees are prohibited from applying the moneys retroactively; and
- e) If the Board so requests, verification of payment, including, but not limited to, canceled checks and/or invoices.
- ~~e) evidence of payment as verified by canceled checks and/or invoices.~~

(Source: Amended at 34 Ill. Reg. 2955, effective February 22, 2010)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1.30	Amendment
1.60	Amendment
1.245	Amendment
1.420	Amendment
1.440	Amendment
1.705	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Amendments: February 18, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Sections 1.30(a) and (b) contain incorporations to testing standards and fair practices that have not been changed by this rulemaking. Additionally, Section 1.420(s) has an incorporation to standards for eye protective devices that also has not been changed.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 20, 2009; 33 Ill. Reg. 15931
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: Each of the changes is summarized below by topic in the order in which they appear in the rulemaking.

- Accountability (Subpart A): Due to direction from the U.S. Department of Education (USDE), the agency will be returning State test scores to districts sooner than it has in the past, particularly on the Prairie State Achievement Examination (PSAE), which is administered in April of each year. In order to do this, the time allowed for districts to make corrections to its data has been reduced from 10 days to five days.

The racial categories listed in Section 1.60(a)(2) were amended to conform to the categories used by USDE for reporting purposes, as the State's accountability system mirrors the federal system under the No Child Left Behind Act of 2001. These categories will be used starting with the 2010-11 school year.

Clarifications proposed in Section 1.60(c) match a change in Section 1.30 that recently took effect in that they specify that students with the "most" significant cognitive disabilities take the alternate assessment.

- School Fee Waivers (Section 1.245): P.A. 96-360, effective September 1, 2009, amends Sections 10-20.13 and 34-21.6 (specific to Chicago) to allow school districts to verify a family's eligibility for waivers of school fees separate from the verification process used for free meals received under the federal National School Lunch program. Under the rules, when a school district using a separate application process for fee waivers makes a determination that a student no longer is eligible to receive a waiver due to a change in the family's income or circumstances, it must prorate the amount of fees charged to the student based on the length of time remaining in the school year. How that proration is to be calculated must be set forth in the district's fee waiver policy.
- General State Aid (Section 1.420(f)): Three Public Acts allow school districts to collect general State aid (GSA) under certain circumstances for which reimbursement was not allowed in the past. These Public Acts are P.A. 95-811, effective August 13, 2008; P.A. 96-634, effective August 25, 2009; and P.A. 96-689, effective August 25, 2009. Language was added in the rules to set forth the process to be used to claim GSA reimbursement for those circumstances.

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NOTICE OF ADOPTED AMENDMENTS

- Curricular Mandates: References were added for new curricular mandates in Section 1.420, as listed below.
- P.A. 96-629, effective January 1, 2010, adds to Section 27-21 of the School Code the study of the deportation of Mexican-Americans during the Depression (subsection (r)).
- P.A. 96-99, effective July 1, 2009, adds Section 2-3.5 to the School Code, which requires students in grade 7 and any high school student enrolled in a U.S. history or a U.S. history/U.S. government course to view the Congressional Medal of Honor film, provided that there is no charge to school districts for the film (subsection (t)).
- P.A. 96-191, effective January 1, 2010, adds Section 27-23.8 to the School Code, which requires that instruction regarding disability history and awareness be provided (subsection (t)).

The proposal also removes references to the Sex Education Act (1.420(n)) and "Motor Vehicle Code" (1.440(a)), both of which were repealed by P.A. 96-734, effective August 25, 2009.

- Supervisor and Administrative Staff (Section 1.705): A change was made to a cross-reference to Part 228 (Transitional Bilingual Education) to match a proposed amendment to those rules.

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

Patrick Murphy, Division Administrator
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777

217/782-2948

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

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

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Powers and Duties (Repealed)
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

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

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 - 1.790 Substitute Teacher
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- 1.APPENDIX A Professional Staff Certification
 - 1.APPENDIX B Certification Quick Reference Chart (Repealed)
 - 1.APPENDIX C Glossary of Terms (Repealed)
 - 1.APPENDIX D State Goals for Learning
 - 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)

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- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010.

SUBPART A: RECOGNITION REQUIREMENTS

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Section 1.30 State Assessment

The State Superintendent of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]. In addition, school districts shall collaborate with the State Superintendent in the design and implementation of special studies.

- a) Development and Participation
 - 1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1999), published by the American Educational Research Association, 1230 17th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated.)
 - 2) Districts shall participate in special studies, tryouts, and/or pilot testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Superintendent.
 - 3) A school shall generally be selected for participation in these special studies, tryouts, and/or pilot testing no more than once every four years, except that participation may be required twice every four years in the case of the Illinois Alternate Assessment.
 - 4) *All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law [105 ILCS 5/Art. 27A], a school operated by a regional office of education under Section 13A-3 of the School Code [105 ILCS 5/13A-3], or a public school administered by a local public agency or the Department of Human Services shall be required to participate in the State assessment, whether by taking the regular assessment, with or without accommodations, or by participating in an alternate form of the assessment (Sections 2-3.25a and 2-3.64 of the School Code).*
 - A) Students who are served in any locked facility that has a State-assigned RCDTS (region/county/district/type/school) code,

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students who attend public university laboratory schools under Section 18-8.05(K) of the School Code, and students beyond the age of compulsory attendance (other than students with IEPs) whose programs do not culminate in the issuance of regular high school diplomas are not required to participate in the State assessment.

- B) It is the responsibility of each district or other affected entity to ensure that all students required to participate in the State assessment do so. See also Section 1.50 of this Part.
- 5) Each district or other affected entity shall ensure the availability of reasonable accommodations for participation in the State assessment by students with disabilities, as reflected in those students' IEPs or plans developed under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), or limited English proficiency.
- b) Assessment Procedures
- 1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (2004), published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated.)
- 2) Districts and other affected entities shall protect the security and confidentiality of all assessment questions and other materials that are considered part of the approved State assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.
- 3) Districts shall promptly report to the State Superintendent all complaints received by the district of testing irregularities. A district shall fully investigate the validity of any such complaint and shall report to the State Superintendent the results of its investigation.
- c) Accommodations

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Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15, including students not enrolled in programs of bilingual education, may participate in an accommodated State assessment, subject to the limitations set forth in Section 2-3.64 of the School Code. A student with limited proficiency in English shall be afforded extra time for completion of the State assessment when, in the judgment of the student's teacher, extra time is necessary in order for the student's performance to reflect his or her level of achievement more accurately, provided that each test must be completed in one session. See also Section 1.60(b) of this Part.

- d) **Illinois Alternate Assessment**
Students with the most significant cognitive disabilities whose Individualized Education Programs identify the regular State assessment as inappropriate for them even with accommodations shall participate in the Illinois Alternate Assessment (IAA), based on alternate achievement standards, for all subjects tested. See also Section 1.60(c) of this Part.
- e) **Review and Verification of Information**
Each school district and each charter school shall have an opportunity to review and, if necessary, correct the preliminary data generated from the administration of the State assessment, including information about the participating students as well as the scores achieved.
- 1) Within 10 days after the preliminary data for [the Illinois Standards Achievement Test \(ISAT\) and the IAA](#)~~a particular assessment~~ are made available [and within five days after preliminary data for the Prairie State Achievement Examination \(PSAE\) are made available](#), each district or charter school shall make any necessary corrections to its demographic and score data and then use a means prescribed by the State Board to indicate either:
- A) that both its demographic and preliminary data are correct; or
- B) that it is requesting rescoring of some or all portions of the assessment for specific students.
- 2) When districts request rescoring, staff of the State Board and/or its contractor shall have an additional period of 21 days within which to work

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with the affected district or charter school to make any resulting corrections.

- 3) At the end of the 21-day period discussed in subsection (e)(2) of this Section, all districts' and charter schools' data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95 of this Part.
- f) Reports of State Assessment Results
- 1) Following verification of the data under subsection (e) of this Section, the State Board shall send each school and district a report containing final information from the results of each administration of the State assessment.
 - A) The scores of students who are served by cooperatives or joint agreements, in Alternative Learning Opportunities Programs established under Article 13B of the School Code, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, scores of students who are served in any other program or school not operated by a school district and who are scheduled to receive regular high school diplomas, all scores of students who are wards of the State, and all scores of students who have IEPs, shall be reported to the students' respective districts of residence and to the schools within those districts that they would otherwise attend.
 - B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.
 - 2) Each report shall include, as applicable to the receiving entity:
 - A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and

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- B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons when available, and distributions of students' scores among the applicable proficiency classifications (see subsection (h) of this Section).
- g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school and the district based on the attainment or non-attainment of adequate yearly progress as reflected in the final data. These determinations shall be subject to the appeal process set forth in Section 1.95 of this Part.
- h) **Classification of Scores**
Each score achieved by a student on a regular or alternate State assessment shall be classified among a set of performance levels, as reflected in score ranges that the State Board shall disseminate at the time of testing, for the purpose of identifying scores that "demonstrate proficiency".
- 1) Each score achieved by a student on a regular State assessment (i.e., the ~~ISAT~~[Illinois Standards Achievement Test \(ISAT\)](#) or the ~~PSAE~~[Prairie State Achievement Exam \(PSAE\)](#)) shall be classified as "academic warning", "below standards", "meets standards", or "exceeds standards". Among these scores, those identified as either meeting or exceeding standards shall be considered as demonstrating proficiency.
- 2) Each score achieved by a student on the ~~IAA~~[Illinois Alternate Assessment](#) shall be classified as "entry", "foundational", "satisfactory", or "mastery". Among these scores, those identified as "satisfactory" or "mastery" shall be considered as demonstrating proficiency.
- i) **Scores Relevant to Adequate Yearly Progress**
For purposes of determining whether a district or a school has made adequate yearly progress, scores achieved on a State assessment in reading or mathematics shall be "relevant scores". For schools without grades higher than 2 (that is, for schools where no State assessment is administered), scores achieved by students in Grade 2 on the Terra Nova examination (CTB McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940 (2001)) shall also be considered "relevant scores" for school years from 2002-03 through 2005-06. Beginning with the 2006-07 school year, the determination as to whether a school in this group has made adequate

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yearly progress shall be the determination applicable to the school where the largest number of students go on into the third grade.

(Source: Amended at 34 Ill. Reg. 2959, effective February 18, 2010)

Section 1.60 Subgroups of Students; Inclusion of Relevant Scores

A student's scores shall count among those for his or her school or district, as applicable, for a given year only if he or she was enrolled continuously in the district on or before May 1 of the previous academic year through State testing the following spring. Students who feed into another school within the same district during the summer based upon the district's progression of students among attendance centers based on grade level shall have their scores counted for the school and district. Any student who is continuously enrolled within the district but, for reasons not mandated by the district, changes to a new school within the district after May 1 will be counted at the district level but not at the school level. Nothing in this Section is intended to exempt a student from the requirement for participation in the State assessment, except as provided in subsection (b)(1) of this Section.

- a) Relevant scores shall be disaggregated by content area for any subgroup identified in this subsection (a) whose membership meets the minimum subgroup size. For purposes of this Section 1.60, "minimum subgroup size" shall mean 45 students across all the grades tested in the school or district, as applicable. Except as provided in subsection (b) of this Section, each student's scores shall be counted in each of the subgroups to which he or she belongs.
 - 1) Students with disabilities, i.e., students who have Individualized Education Programs (IEPs);
 - 2) For school years through 2009-10, racial~~Racial~~/ethnic groups:
 - A) White,
 - B) Black,
 - C) Hispanic,
 - D) American Indian or Alaskan Native,
 - E) Asian/Pacific Islander,

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- F) Multiracial/ethnic;
- 3) For school year 2010-11 and beyond, racial/ethnic groups:
- A) Hispanic or Latino of any race,
- B) For students who are not Hispanic or Latino:
- i) American Indian or Alaska Native,
- ii) Asian,
- iii) Black or African American,
- iv) Native Hawaiian or Other Pacific Islander,
- v) White,
- vi) Two or more races;
- 4) Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15; and/or
- 5)4) Students who are eligible for free or reduced-price meals under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) or the National School Lunch Act (42 USC 1751 et seq.).
- b) Special provisions shall apply to the treatment of scores achieved by students of limited English proficiency in certain circumstances.
- 1) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English may elect to participate in the State assessment in reading. Any such student who elects not to participate shall nevertheless be treated as having participated for purposes of calculating the participation rate.
- 2) The score achieved by a student who elects to participate in the regular State assessment in reading under subsection (b)(1) of this Section shall be

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counted for purposes of calculating the participation rate but not for purposes of calculating performance.

- 3) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English shall be required to participate in the State assessment in mathematics. The score achieved by such a student shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.
 - 4) A student who has previously been identified as having limited proficiency in English and whose scores have been attributed to that subgroup shall continue to have his or her scores attributed to that subgroup for the first two years after the last year when he or she was considered to have limited English proficiency. However, districts and schools shall not be required to count students to whom this subsection (b)(4) applies as part of the subgroup with limited English proficiency for purposes of determining whether the minimum subgroup size exists.
- c) All relevant scores of a district's students with disabilities who participate in the alternate form of the State assessment shall be included in the district's calculations for purposes of determining whether adequate yearly progress has been made.
- 1) The number of scores earned by students who participate in the alternate form of the State assessment that may be counted as demonstrating proficiency in a content area shall be no more than 1 percent of all scores achieved by the district's students in that subject. (See the regulations of the U.S. Department of Education at 34 CFR 200.6.)
 - 2) Except as provided in subsection (c)(3) of this Section, for purposes of calculating adequate yearly progress at the district level, each score that demonstrates proficiency but is in excess of the 1 percent maximum set forth in subsection (c)(1) of this Section shall be counted as not demonstrating proficiency and shall be included as such in the calculations for each subgroup of which the student is a member.
 - 3) A district may apply to the State Superintendent of Education for a one-year exception to the 1 percent maximum set forth in subsection (c)(1) of

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this Section, which may be renewed for one or more subsequent years if warranted. Using a format established by the State Superintendent, the district shall display information demonstrating that the prevalence of students for whom the alternate assessment is appropriate exceeds 1 percent of the total population. The district shall also supply a narrative explaining the disproportionate representation of such students in its population. The State Superintendent of Education shall approve a district's request for an exception if the district superintendent provides assurances that the district meets all the requirements of 34 CFR 200.6 and if the information supplied by the district demonstrates that:

- A) families of students with the most significant cognitive disabilities have been attracted to live in the district by the availability of educational, health, or community services that respond to their needs; or
 - B) the district's student population is so small that the presence of even a small number of students with the most significant cognitive disabilities causes the district to exceed the 1 percent threshold (e.g., in a population of 50 students, one student represents 2 percent); or
 - C) other circumstances exist such that the overrepresentation of students with the most significant cognitive disabilities is outside the control of the district, i.e., the overrepresentation is not a result of inappropriate decision-making as to the form of the State assessment that should be used for particular students.
- 4) When scores that demonstrate proficiency and were achieved by students on the IAA make up more than 1 percent of a district's scores in either reading or mathematics, and the district has not received approval for an exception to the 1 percent maximum pursuant to subsection (c)(3) of this Section, the district shall be required to identify the "proficient" scores on the IAA that will be counted as not demonstrating proficiency for purposes of calculating adequate yearly progress (AYP). In making this determination, a district may choose to identify:
- A) scores of students who belong to the fewest subgroups;

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- B) scores of students who belong to the largest subgroups;
 - C) scores of students who belong to the smallest subgroups;
 - D) scores of students who belong to the subgroups whose performance is farthest above the target applicable to the year in question; or
 - E) scores of students who belong to the subgroups whose performance is farthest below the target applicable to the year in question.
- 5) The State Superintendent of Education shall notify each district that is affected by the requirement to identify excess "proficient" scores on the IAA. The deadline set by the State Superintendent shall allow at least five business days for districts' responses. For any district that does not submit the requested information on this selection within the time allowed, the State Superintendent shall identify the scores that will be considered as not demonstrating proficiency for this purpose.
- d) Targets for scores demonstrating proficiency
- 1) In each subject and for each subgroup of students, the percentage of scores demonstrating proficiency that is required for AYP shall increase from the original baseline of 40 percent for the 2002-03 school year according to the following schedule:
 - A) For 2003-04, 40 percent;
 - B) For 2004-05 and for 2005-06, 47.5 percent;
 - C) For 2006-07, 55 percent;
 - D) For 2007-08, 62.5 percent;
 - E) For 2008-09, 70 percent;
 - F) For 2009-10, 77.5 percent;

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- G) For 2010-11, 85 percent;
 - H) For 2011-12 and for 2012-13, 92.5 percent;
 - I) For 2013-14, 100 percent.
- 2) In order to avoid penalizing schools and districts for the decision bias that is associated with a minimum subgroup size, a 95 percent "confidence interval" shall be applied to subgroups' data. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)
- e) "Safe Harbor"
A school or a district in which one or more subgroups fail to achieve the required academic target for a particular year may nevertheless be considered as having made AYP for that year. Each subgroup in question must have attained the minimum subgroup size in the preceding year and, for each such subgroup, there must have been a decrease of at least ten percent in the proportion of scores that do not demonstrate proficiency in comparison to that subgroup's scores for the preceding year. In addition, if the school is a high school, the relevant subgroup's graduation rate must at least equal the target rate for that year, and, if the school is an elementary or a middle school, the relevant subgroup's attendance rate must at least equal the target rate for that year (see Section 1.70 of this Part). This "safe harbor" method for calculating AYP shall apply only to subgroups within schools or districts; it shall not be used for the aggregate scores of a school or a district as a whole.

(Source: Amended at 34 Ill. Reg. 2959, effective February 18, 2010)

SUBPART B: SCHOOL GOVERNANCE

Section 1.245 Waiver of School Fees

This Section provides the rules required by Section 2-3.96 of the School Code under which each school district is required to adopt a written policy for the waiver of school fees as required by Sections 10-20.13 and 34-21.6 of the School Code [105 ILCS 5/10-20.13 and 34-21.6].

- a) For the purposes of this Section "school fees" or "fees" means any monetary charge collected by a public school or public school district from a student or the

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parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district. A school or school district does not impose a "fee" when it requires that a student provide his or her own ordinary supplies or materials (e.g., pencil, paper, notebooks), which are necessary to participate in any curricular or extracurricular program.

- 1) "School fees" include, but are not limited to, the following:
 - A) All charges for required textbooks and instructional materials.
 - B) All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).
 - C) Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/vocational education or the sciences).
 - D) Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.
 - E) Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies).
 - F) Graduation fees (e.g., caps, gowns).
 - G) School records fees.
 - H) School health services fees.
 - I) Driver's education fees assessed pursuant to Section [27-24.227-23](#) of the School Code [105 ILCS [5/27-24.25/27-23](#)].
- 2) "School fees" do not include:
 - A) Library fines and other charges made for the loss, misuse, or

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- destruction of school property (e.g., musical instruments).
- B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.
 - C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).
 - D) Charges for admission to school dances, athletic events or other social events.
 - E) Optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).
- b) School boards that do not charge school fees must adopt a policy so stating. Parents must be notified of this policy as provided in this Section.
- c) School boards that charge school fees must adopt a policy and procedures containing at least the following elements:
- 1) Eligibility Criteria
 - A) Eligibility criteria must include a waiver of fees for all students who qualify for free lunches or breakfasts under the School Breakfast and Lunch Program Act [105 ILCS 125]. Students must meet the income requirements of the program but need not participate in order to receive a waiver of school fees.
 - B) Eligibility criteria must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees. Examples include students who are eligible to receive reduced-price lunch or breakfast; very significant loss of income due to severe illness or injury in the family or unusual expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy.

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- 2) Notification of parents
 - A) The district's policy for the waiver of school fees shall be communicated in writing to the parents of all students enrolling in the district for the first time. A fee waiver application form also may be included with this notice when it is sent to parents. The notification must be in English or the home language of the parents if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted, e.g., other students or neighbors). The notice shall at least describe:
 - i) the district's policy, including the criteria and other circumstances under which the district will waive school fees;
 - ii) the fees subject to waiver under the district's policy;
 - iii) the procedure to be used by parents in applying for a waiver of school fees, including the availability of forms that may be used to request a fee waiver and the documents whose use is required by the school district in verifying income as permitted under subsection (d) of this Section; and
 - iv) the procedure to be used by parents in resolving disputes concerning the waiver of school fees.
 - B) The district's policy also shall provide that the first bill or notice of each school year sent to parents who owe fees shall state:
 - i) the district waives fees for persons unable to afford them in accordance with its policy; and
 - ii) the procedure for applying for a fee waiver, or the name, address and telephone number of the person to contact for information concerning a fee waiver.
- 3) Procedures for the resolution of disputes

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- A) The district's policy must provide that if it denies a request for a fee waiver, then it shall mail a copy of its decision to the parents within 30 calendar days after receipt of the request. The decision shall state the reason for the denial and shall inform the parents of their right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parents that they may reapply for a waiver any time during the school year, if circumstances change.
- B) An appeal shall be decided within 30 calendar days after the receipt of the parents' request for an appeal. Parents shall have the right to meet with the person who will decide the appeal in order to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person. If the appeal is denied, then the district shall mail a copy of its decision to the parents. The decision shall state the reason for the denial.
- C) No fee shall be collected from any parent who is seeking a fee waiver in accordance with the district's policy until the district has acted on the initial request or appeal (if any is made), and the parents have been notified of its decision.
- d) A school district may make reasonable requirements for verifying a family's income (e.g., payroll stubs, tax returns, evidence of receipt of food stamps or Temporary Assistance for Needy Families) in accordance with the restrictions set forth in Sections 10-20.13 and 34-21.6 of the School Code~~in order to determine eligibility for a school fee waiver; however, for students approved for free or reduced-price meals under the School Breakfast Program (42 USC 1771 et seq.) and/or the National School Lunch Program (42 USC 1751 et seq.), verification shall be conducted within the limitations set forth in 42 USC 1758. If a student receiving a waiver of school fees is found to be no longer eligible during the school year, then the district shall charge the student a prorated amount based upon the number of school days remaining in the school year. The process for proration shall be set forth in the district's fee waiver policy adopted in accordance with subsection (c) of this Section.~~
- e) If the fee waiver policy and/or procedures are substantively amended, then parents

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of students enrolled in the district must be notified in writing within 30 calendar days following the adoption of the amendments.

- f) School records that identify individual students as applicants for or recipients of fee waivers are subject to the Illinois School Student Records Act [105 ILCS 10]. Information from such records is confidential and may be disclosed only as provided in the Act.
- g) *No discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees [105 ILCS 5/28-19.2(a)].*

(Source: Amended at 34 Ill. Reg. 2959, effective February 18, 2010)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.
- c) Every school district shall:
 - 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - 2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

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- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, ~~and 18-12,~~ and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, ~~and 18-12,~~ and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
 - 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.
 - A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.
 - B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.
 - C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval

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shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.

- D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
- B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
- C) All teachers hold certificates that are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is held by all teachers.
- 4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent

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within 30 days from the date of the incident. In addition, the certification submitted for reasons of a public health emergency under Section 18-12.5 of the School Code shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:

- A) the name of the building that is being recommended for closure;
- B) the specific public health emergency that warrants the closure; and
- C) the anticipated building closure dates recommended by the health department.

5) Attendance for General State Aid Purposes

- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.
- B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.
- C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building

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closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.

D) For the purposes of determining average daily attendance for General State Aid under Section 10-29 of the School Code [105 ILCS 5/10-29], a school district operating a remote educational program shall document, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam).

- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
 - 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
 - A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the

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appropriate program for their child, and maintained in district files.

- B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- i) Career Education
 - 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
 - j) Co-Curricular Activities
 - 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
 - k) Consumer Education and Protection
 - 1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].
 - 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (see Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of

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other courses, or it may be taught as a separate required course.

- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.
 - 4) Teachers instructing in consumer education courses shall hold certification valid for the grade levels taught and have completed at least three semester hours in consumer education courses.
- l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
 - m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
 - n) Health Education
 - 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
 - A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
 - C) The minimal time allocation shall not be less than one semester or

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equivalent during the secondary school experience.

- D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
- 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2] ~~or by the Sex Education Act [105 ILCS 130]~~.
- o) **Library Media Programs**
Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).
- 1) **General**
The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. No later than the beginning of the 2014-15 school year, a district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 of this Part and who is acting on behalf of the school district.
- 2) **Financial Resources**
Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.

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- 3) **Facilities**
If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.
- 4) **Staff**
Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. No later than the beginning of the 2009-10 school year, each district shall assign responsibility for overall direction of its program of library media services to an employee who holds an elementary, a secondary, a special K-12, a special preschool-age 21, an early childhood, or an administrative certificate. Except as otherwise provided in subsection (o)(4)(A) of this Section, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 of this Part unless he or she meets the requirements of that Section.
- A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:
- i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or
 - ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered

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by the Illinois State Library, a regional library system, or another professional librarians' organization; or

- iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.

- B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.

p) Physical Education

- 1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The physical education and training course offered in grades 5 through 10 may include health education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in*

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the courses provided for normal children (Section 27-6 of the School Code).

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

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- 4) Health Needs.
- r) Social Sciences and History
Each school system shall provide history and social sciences courses that do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
 - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
 - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); ~~and~~
 - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); ~~and-~~
 - 7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye

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Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection", ANSI Z87.1-2003, issued by the American National Standards Institute, Inc., 1819 L Street, NW, Suite 600, Washington, D.C. 20036. No later additions or amendments to these standards are incorporated by this Part.

- t) Each school district shall provide instruction as required by Sections [27-3.5](#), 27-13.2, 27-13.3, ~~and 27-23.3~~, [and 27-23.8](#) of the School Code [105 ILCS 5/[27-3.5](#), 27-13.2, 27-13.3, ~~and 27-23.3~~, [and 27-23.8](#)].

(Source: Amended at 34 Ill. Reg. 2959, effective February 18, 2010)

Section 1.440 Additional Criteria for High Schools

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

- a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by the School Code or applicable rules, is the option of the local school district.
- 1) Language Arts
 - 2) Science
 - 3) Mathematics
 - 4) History of the United States
 - 5) Foreign Language
 - 6) Music
 - 7) Art
 - 8) Career and Technical Education – Orientation and Preparation
 - 9) Health Education

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- 10) Physical Education
 - 11) Consumer Education
 - 12) Conservation of Natural Resources
 - 13) Driver and Safety Education (see [the Driver Education Act \[105 ILCS 5/27-24 through 27-24.8\]](#)~~Section 27-23 of the School Code [105 ILCS 5/27-23]~~ and 23 Ill. Adm. Code 252)
- b) Required Participation
- 1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.
 - 2) Each student shall be required to take physical education daily, except as provided in Section 27-6 of the School Code and Section 1.445 of this Part.
 - 3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12, unless he or she has demonstrated proficiency pursuant to the provisions of Section 27-12.1 of the School Code [105 ILCS 5/27-12.1] and Section 1.462 of this Part.
 - 4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code)
- c) Specific Requirements for Graduation. A "unit" is the credit accrued for a year's study or its equivalent. A student may be permitted to retake a course that he or she has already successfully completed (for example, to earn a better grade). However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward

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fulfillment of the State requirements for graduation.

- 1) Each student shall be required to have accrued at least 16 units in grades 9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) *No student shall receive certification of graduation without passing an examination on the subjects discussed in subsection (b)(4) of this Section.*
- 2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter the 9th grade and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.
- 3) Credits earned by students prior to entry into Grade 9 as authorized by Section 27-22.10 of the School Code [105 ILCS 5/27-22.10] may be used to fulfill any of the requirements of subsection (c)(2) of this Section.
- d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
 - 1) The course description for a "writing-intensive" course will be accepted for purposes of Section 27-22 of the School Code if:
 - A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;
 - B) writing assignments will be an integral part of the course's content across the time span covered by the course;

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- C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:
- i) students' writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the standards applicable to State Goals 3 and 5 (see the State Goals for Learning and the Illinois Learning Standards in Appendix D to this Part); and
 - ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating, and using information.
- 2) The writing-intensive study provided in at least one writing-intensive course must be designed to address and integrate the elements of the writing process and to refine or apply research skills.
- e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.
- f) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

(Source: Amended at 34 Ill. Reg. 2959, effective February 18, 2010)

SUBPART G: STAFF QUALIFICATIONS

Section 1.705 Requirements for Supervisory and Administrative Staff

- a) Each district superintendent shall hold an administrative certificate with a Superintendent's endorsement.

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- b) Each assistant superintendent, principal, or assistant principal shall hold an administrative certificate with a General Administrative or Superintendent's endorsement, except that a head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code [105 ILCS 5/10-21.4a] shall hold a teaching certificate endorsed for supervision.
- c) Each general administrator (e.g., director, assistant director, coordinator, administrative assistant, or general supervisor) in general education shall hold an administrative certificate with a General Supervisory, General Administrative, or Superintendent's endorsement.
- d) Each head of a general education department or supervisor for a specific subject shall hold either:
 - 1) an administrative certificate with a General Supervisory, General Administrative, or Superintendent's endorsement; or
 - 2) a teaching certificate endorsed for supervision in the area supervised.
- e) Each supervisory dean shall hold an administrative certificate with a General Supervisory, General Administrative, Director of Special Education's, or Superintendent's endorsement.
- f) Each dean of students shall hold:
 - 1) an administrative certificate with a General Supervisory, General Administrative, Director of Special Education's, or Superintendent's endorsement; or
 - 2) a teaching certificate (endorsed for supervision if the holder suspends students pursuant to Section 10-22.6 of the School Code); or
 - 3) a school service personnel certificate endorsed for any field other than school nursing (and for supervision if the holder disciplines or suspends students).
- g) Each special education director or assistant director shall meet the requirements of 23 Ill. Adm. Code 226.800(h)(2) and hold an administrative certificate endorsed for "Director of Special Education".

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- h) Each special education supervisor shall meet the requirements of 23 Ill. Adm. Code 226.800(h)(2) and hold either:
 - 1) an administrative certificate with a General Supervisory, General Administrative, Director of Special Education's, or Superintendent's endorsement and teaching qualifications in each area supervised; or
 - 2) a teaching certificate endorsed for each area supervised and for supervision.
- i) Each supervisor of more than one school service personnel area shall hold either:
 - 1) an administrative certificate and a General Administrative or Superintendent's endorsement; or
 - 2) a school service personnel certificate endorsed for supervision in each field supervised.
- j) Each supervisor of one school service personnel area shall hold:
 - 1) an administrative certificate with a General Supervisory, General Administrative, Director of Special Education's, or Superintendent's endorsement; or
 - 2) a school service personnel certificate endorsed for the field supervised and for supervision; or
 - 3) a teaching certificate endorsed for speech-language pathology and for supervision (if applicable).
- k) Each director of an area vocational center and each director or supervisor of more than one field in career and technical education (including regional system directors) shall hold an administrative certificate with a General Administrative or Superintendent's endorsement and have teaching qualifications in one of the five occupational areas and 2,000 hours of work experience outside the field of education.
 - l) Each supervisor of one field in career and technical education shall hold either:

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- 1) an administrative certificate with a General Supervisory, General Administrative, or Superintendent's endorsement and teaching qualifications in one field of career and technical education, including 2,000 hours of work experience in the specific field outside of education; or
 - 2) teaching qualifications in the specific field supervised, including 2,000 hours of work experience in the specific field outside of education, and a supervisory endorsement.
- m) Each administrator in a bilingual education program shall meet the applicable requirements of 23 Ill. Adm. Code [228.35\(d\)](#)~~228.30(e)~~.
- n) Each chief school business official shall hold an administrative certificate and a Chief School Business Official's endorsement.

(Source: Amended at 34 Ill. Reg. 2959, effective February 18, 2010)

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- 1) Heading of the Part: School Construction Program
- 2) Code Citation: 23 Ill. Adm. Code 151
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
151.20	Amendment
151.50	Amendment
151.100	Amendment
151.110	Amendment
151.120	Amendment
151.200	New Section
151.210	New Section
151.220	New Section
151.230	New Section
151.235	New Section
151.240	New Section
- 4) Statutory Authority: 105 ILCS 230/5-55
- 5) Effective Date of Rulemaking: February 18, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 13, 2009; 33 Ill. Reg. 15387
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 151.110, definitions were added for "Cooperative high school" and "Type 40 area vocational center".

In Section 151.210, building "envelope" was added as an allowable recipient of insulation improvements under the definition of "Energy efficiency project".

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In Section 151.220(c)(5)(A), permissive language ("if available at the time the application is made") was removed from the provision that applications for energy efficiency projects must include an estimate of the energy savings to be realized.

In Section 151.240(c), a requirement pertaining to final expenditure reports and improved energy efficiency was added.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 96-37, effective August 25, 2009, adds Section 5-200 to the School Construction Law to establish a grant program for energy efficiency purposes. Under the law, School Energy Efficiency grants are limited to \$250,000 per grant each fiscal year, although a school district may receive more than one grant a year. Of the amount appropriated for the grant program, 20 percent must be awarded to City of Chicago School District 299. In order to receive a grant, a school district must provide a local match in an amount equal to the amount of the grant received. This match can be from local funds or eligible federal or other funds.

As of this time, no money has been appropriated for the grant program; however, it is anticipated that funding could become available before the end of the school year. For this reason, new Subpart C has been added to Part 151 (School Construction Program) to set forth the process for requesting grant funds, eligibility requirements for energy efficiency projects, restrictions on the use of the funds, and the manner in which districts will account for the grant funds received. Moving forward with the rulemaking now will enable requirements to be in place, should grant money become available, by April or May when school districts typically begin their bidding process for summer projects.

The statutory requirements for the School Energy Efficiency Project Grants are nearly identical to those for the School Maintenance Project Grants; therefore, the applicable requirements from Subpart B are repeated in Subpart C. These requirements are familiar to school districts and other eligible applicants. In particular, energy efficiency grant applications will be funded in the same manner as school maintenance grants in years in which the appropriation is insufficient to fund all approvable applications (see Section 151.230). Agency staff also will be shifting to an electronic application process, and that

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change is reflected in the requirements for both school maintenance and energy efficiency project grants.

In defining allowable energy efficiency projects in Section 151.210, agency staff consulted Section 19b-1.1 of the School Code, which addresses school energy conservation and saving measures. A list of the types of projects that could be conducted under the energy efficient program is included as an example for applicants, but is not meant to be exhaustive.

Other changes in Part 151 resulted from the enactment of Public Act 96-731, effective August 25, 2009. This law limits eligibility for school construction and school maintenance grants to only school districts, Type 40 area vocational centers, and cooperative high schools. Corresponding changes have been made in Sections 151.20 and 151.100. (Type 40 area vocational centers are career centers that are designated by the agency and are jointly owned and operated by member school districts. Currently, there are 13 such centers in operation.)

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

Debbie Vespa, Division Administrator
Illinois State Board of Education
100 North First Street, N-330
Springfield, Illinois 62777

217/785-8779

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCE

PART 151
SCHOOL CONSTRUCTION PROGRAM

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section	
151.10	Purpose
151.20	Eligible Applicants
151.30	Application for School Construction Project Grant Entitlement
151.35	Application for School Construction Project Grant Entitlement – Districts With A Population Exceeding 500,000
151.40	Award of Construction Project Grant Entitlement
151.50	Priority Ranking of Construction Grant Entitlements
151.55	Needed Capacity for Unit Districts
151.60	Grant Index
151.70	Debt Service Grants (Repealed)

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

Section	
151.100	Purpose; Eligible Applicants
151.110	Definitions
151.120	Application for School Maintenance Project Grants
151.130	Award of School Maintenance Project Grants – Applicants With a Population of 500,000 or Fewer
151.135	Award of School Maintenance Project Grants – School Districts With a Population Exceeding 500,000
151.140	Terms of the Grant

SUBPART C: SCHOOL ENERGY EFFICIENCY PROJECT GRANTS

<u>Section</u>	
<u>151.200</u>	<u>Purpose; Eligible Applicants</u>
<u>151.210</u>	<u>Definitions</u>

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<u>151.220</u>	<u>Application for School Energy Efficiency Project Grants</u>
<u>151.230</u>	<u>Award of School Energy Efficiency Project Grants – Applicants with a Population of 500,000 or Fewer</u>
<u>151.235</u>	<u>Award of School Energy Efficiency Project Grants – School Districts with a Population Exceeding 500,000</u>
<u>151.240</u>	<u>Terms of the Grant</u>

AUTHORITY: Implementing the School Construction Law [105 ILCS 230] and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 4500; emergency rules expired June 15, 1998; emergency rules adopted at 22 Ill. Reg. 6238, effective March 24, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 7703; emergency expired June 15, 1998; new Part adopted at 22 Ill. Reg. 12538, effective July 6, 1998; emergency amendment at 23 Ill. Reg. 11336, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 497, effective January 3, 2000; amended at 24 Ill. Reg. 5661, effective March 17, 2000; amended at 26 Ill. Reg. 886, effective January 15, 2002; amended at 32 Ill. Reg. 7410, effective April 22, 2008; amended at 33 Ill. Reg. 7919, effective June 1, 2009; amended at 34 Ill. Reg. 3000, effective February 18, 2010.

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section 151.20 Eligible Applicants

School districts, [as well as cooperative high schools and Type 40 area vocational centers as defined in Section 151.110 of this Part](#), that meet the requirements of the School Construction Law and this Subpart are eligible to apply for school construction project grant entitlements. A district's, [high school's or center's](#) eligibility for a school construction project grant under the minimum enrollment requirements of Section 5-25(a) of the School Construction Law shall be determined using the district's, [high school's or center's](#) enrollment in prekindergarten through grade 12 as of the last school day in September of the most recent school year. [For purposes of this Subpart A, the term "district" shall be understood to include each of these eligible entities.](#)

(Source: Amended at 34 Ill. Reg. 3000, effective February 18, 2010)

Section 151.50 Priority Ranking of Construction Grant Entitlements

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Priority ranking of construction grant entitlements shall be done if the appropriation for any fiscal year is insufficient to fund grants for all approved grant entitlements. In this case, districts holding construction grant entitlements shall be eligible for construction grants to be awarded by the Capital Development Board in order of the priority ranking described in this Section.

- a) Districts holding grant entitlements shall be eligible for grant awards in the order of:
 - 1) the six levels of priority described in Section 5-30 of the School Construction Law; and
 - 2) the district's ranking within its level of priority, determined according to subsections (b) through (d) of this Section.
- b) A district's ranking within a level of priority shall be determined by multiplying the district's needed capacity as determined under subsection (c) of this Section by the ratio of the district's needed capacity to the district's enrollment as of the last school day in September of the most recent school year. The resulting figure shall constitute the district's ranking, with the largest figure having the highest ranking.
- c) Needed Capacity
 - 1) For each priority other than priority five, the district's needed capacity shall be calculated by subtracting its currently available capacity as determined under subsection (d) of this Section from its current enrollment or its projected enrollment, whichever is greater.
 - A) Projected enrollment shall be calculated by multiplying the district's current enrollment by the ratio of the district's current enrollment to the district's enrollment two years before.
 - B) For purposes of calculating needed capacity, projected enrollment shall not include any increase in enrollment attributable to a change in the district's boundaries.
 - 2) For priority five, the district's needed capacity shall be the number of qualified individuals with disabilities who require a school construction project.

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- d) Determination of Available Capacity
- 1) The enrollment capacity of each room or space currently subject to occupancy by students for instructional purposes in a district-owned, permanent building, or in a building leased by the district if the lease is at least ten years from expiration, shall be determined by dividing the net floor area (in square feet) of ~~the~~ room or space by the appropriate loading factor, as follows:

Type of Room or Space	Loading Factor
Prekindergarten Classroom	40
Kindergarten Classroom	40
Elementary General Classroom	35
Elementary Art Classroom	40
Elementary Music Classroom	30
Elementary Computer Classroom	35
Middle School General Classroom	35
Middle School Art Classroom	40
Middle School Family and Consumer Sciences Classroom	50
Middle School Music Classroom	25
Middle School Computer Classroom	40
Middle School Science Laboratory	40
Middle School Science Laboratory/Classroom	50
Middle School Industrial Technology Laboratory/Shop Not Classified Elsewhere	40
High School General Classroom	30
High School Art Classroom	35
High School Music Classroom	25
High School Computer Classroom	40
High School Family and Consumer Sciences Classroom	60
High School Science Laboratory	35
High School Industrial Technology Laboratory/Shop	75
High School Laboratory Not Classified Elsewhere	35
Special Education Classroom	50

- 2) Buildings and additions with a functional age over one hundred years old shall be assigned an enrollment capacity of zero. The functional age of a

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building and each of its additions shall be individually determined by multiplying its actual age by one of the following condition factors, to be determined using the Building Condition Evaluation Form supplied by the State Board of Education:

Condition of Building or Addition	Condition Factor
Excellent	0.2
Satisfactory	0.4
Substandard	1.0
Poor	1.5
Very Poor	2.0

3) As used in this subsection (d), "permanent building" means a building mounted on a slab or a permanent foundation. A permanent foundation is a closed-perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which may include but not be limited to cellars, basements, or crawlspaces but does not include the sole use of piers.

4) Available capacity shall be calculated by multiplying enrollment capacity as determined in subsections (d)(1) through (d)(3) of this Section by the following utilization factors:

A) elementary schools	0.9
B) middle or junior high schools	0.85
C) high schools	0.8

e) A new order of priority ranking shall be established among the applicants for each fiscal year. If a district is not awarded a construction grant in a fiscal year for which it has received an entitlement, the district must update its application to establish its priority ranking for the following fiscal year.

f) *Type 40 area vocational centers shall be placed last on the priority listing of eligible entities for the applicable fiscal year. [105 ILCS 230/5-25]*

(Source: Amended at 34 Ill. Reg. 3000, effective February 18, 2010)

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SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

Section 151.100 Purpose; Eligible Applicants

- a) This Subpart implements the School Construction Law [105 ILCS 230], which requires that the State Board of Education issue grants for school maintenance projects.
- b) Any school district, cooperative high school or Type 40 area vocational center~~charter school, public university laboratory school approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], or area vocational center~~ may apply for a grant. An eligible applicant may apply for and receive more than one grant during a fiscal year. For purposes of this Subpart B, the term "district" shall be understood to include each of these eligible entities.

(Source: Amended at 34 Ill. Reg. 3000, effective February 18, 2010)

Section 151.110 Definitions

As used in this Subpart:

"Cooperative high school" means a program established pursuant to Section 10-22.22c of the School Code [105 ILCS 5/10-22.22c].

"Emergency project" means a project made necessary by a disaster described in Section 5-30(1) of the School Construction Law. Conditions caused by age or lack of timely maintenance shall not constitute an emergency. Costs of an emergency project that are covered by insurance may not be claimed as part of an emergency project.

"Grant" means a school maintenance project grant.

"Health/life safety project" means a project that is necessary to correct a violation of the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180) or to provide handicapped accessibility or school security.

"Ongoing operational costs" means ordinary maintenance expenses incurred in

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the course of the applicant's operations, including expenses for employee salaries and benefits, materials, and supplies.

"Other project" means a project other than an emergency project, health/life safety project, State program priority project or permanent improvement project.

"Permanent improvement project" means a project designed to upgrade or install building systems (e.g., air conditioning, electrical or plumbing systems) or involving other improvements to a building or structure so that the building or structure is better adapted to the applicant's educational programs.

"School maintenance project" or "project" means *a project, other than a school construction project as defined in Section 5-5 of the School Construction Law or a school energy efficiency project as defined in Section 5-200 of the School Construction Law [105 ILCS 230/5-5 and 5-200], intended to provide for the maintenance or upkeep of buildings or structures for educational purposes, but does not include ongoing operational costs [105 ILCS 230/5-5].* A project may involve different types of work on a single building or structure, or may involve a single type of work (e.g., new roofing or windows) on several buildings or structures. ~~Work on a project must have started on or after May 1, prior to the fiscal year for which a grant is sought.~~ There is no limit to the cost of a project; however, grant awards shall not exceed \$50,000 per project, and applicants shall provide a match from local funds equal to the grant amount requested.

"State program priority project" means a project that is necessary for energy conservation or that adapts a building or structure to better serve students in a specific program for which the applicant receives funding under the School Code (e.g., preschool education~~prekindergarten at risk~~, school technology).

"Type 40 area vocational center" means a career center that is designated by the State Superintendent of Education and jointly owned and operated by member school districts.

(Source: Amended at 34 Ill. Reg. 3000, effective February 18, 2010)

Section 151.120 Application for School Maintenance Project Grants

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~~a)~~ An eligible applicant may apply for a grant by submitting an application electronically in a format prescribed on a form provided by the State ~~Superintendent~~Board of Education. A separate application shall be submitted for each project for which the applicant seeks a grant award.

~~b)~~ ~~Up to \$1 million shall be reserved each fiscal year for emergency projects. If funds, other than funds reserved for emergency projects, remain after the award of grants from the announced application cycle, a second application period will be held. If funds reserved for emergency grants remain at the end of the fiscal year, these funds shall be distributed for other approved projects from the latest application cycle.~~

~~e)~~ ~~An application for a grant for an emergency project shall be submitted directly to the State Board of Education by the deadline stipulated on the application. A copy shall also be sent to the regional superintendent of education. Emergency applications shall be submitted to the following address:~~

~~Illinois State Board of Education
School Maintenance Project Program
100 North First Street
Springfield, Illinois 62777-0001~~

~~a)~~~~d)~~ ~~Except as provided under subsection (e) of this Section, an application~~All other applications shall be submitted electronically to the regional office of education at least two weeks prior to the application deadline announced by the State ~~Superintendent~~Board of Education for the fiscal year for which the grant is sought. The regional superintendent shall review and electronically forward the ~~application~~applications to the State ~~Superintendent~~Board of Education ~~at the address stipulated in subsection (c) of this Section~~ by the application deadline.

~~e)~~ ~~An application that is incomplete shall be returned and shall not be processed until it is complete. An application must be complete by the applicable submission deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Board of Education by such means as on-site inspection and review of documents.~~

~~b)~~~~f)~~ Each application shall include the following information.

1) The names, addresses, and descriptions of the facilities included in the project.

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- 2) A narrative description of the nature and scope of the project, including the starting and completion dates for the project.
- 3) The total cost of the project, amount and source of local matching funds (using the revenue and account codes set forth at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing)), and the requested grant amount.
- 4) The priority category of the project (see Section 151.130(b)(2) of this Part).
 - A) For an emergency project, the applicant shall indicate the date and nature of the emergency and the extent of building damage.
 - B) For a health/life safety project necessary to correct a code violation, the applicant shall identify the health/life safety work by amendment number.
- 5) For applicants that are seeking more than one grant in a fiscal year, the order in which the applicant wants its projects funded.
- 6) Such assurances as the State Superintendent Board of Education may require, to include at least the following:
 - A) that the local board of education, in the case of school districts, or other school governing authority authorized the school maintenance project during a duly convened meeting, and
 - B) that the local board of education, in the case of school districts, or other school governing authority reserved local funds in an amount equal to the school maintenance project grant requested to meet the local match requirement.

~~c)g) Submission of the electronic application shall be evidence of authorization by the school board or other governing board. Each application shall bear an original signature of the president of the local board of education or other school governing authority.~~

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- d) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information. An application must be complete by the applicable submission deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Superintendent by such means as on-site inspection and review of documents.
- e) An application for a grant for an emergency project shall be submitted electronically directly to the State Superintendent by the deadline stipulated on the application. A copy shall also be submitted to the regional superintendent of education.
- f) Up to \$1 million shall be reserved each fiscal year for emergency projects. If funds, other than funds reserved for emergency projects, remain after the award of grants from the announced application cycle, then a second application period will be held. If funds reserved for emergency grants remain at the end of the fiscal year, then these funds shall be distributed for other approved projects from the latest application cycle.

(Source: Amended at 34 Ill. Reg. 3000, effective February 18, 2010)

SUBPART C: SCHOOL ENERGY EFFICIENCY PROJECT GRANTSSection 151.200 Purpose; Eligible Applicants

- a) This Subpart implements Section 5-200 of the School Construction Law [105 ILCS 230/5-200], which requires that the State Board of Education issue grants for school energy efficiency projects.
- b) Any school district, charter school, public university laboratory school approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], or area vocational center may apply for a grant. An eligible applicant may apply for and receive more than one grant during a fiscal year. Applicants not awarded funding in a fiscal year may reapply in a subsequent fiscal year, provided the proposed work has not been started or completed.

(Source: Added at 34 Ill. Reg. 3000, effective February 18, 2010)

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Section 151.210 DefinitionsAs used in this Subpart:

"Energy efficiency project" means any improvement, repair, alteration, or betterment of any building or facility owned or operated by an eligible applicant as set forth in Section 151.220 of this Part, or any equipment, fixture, or furnishing to be added to or used in any building or facility, subject to the building code authorized in Section 2-3.12 of the School Code [105 ILCS 5/2-3.12] (see 23 Ill. Adm. Code 180), that is designed to reduce energy consumption and may include, without limitation, one or more of the following:

Insulation of the building envelope, structure or systems within the building;

Storm windows or doors, caulking or weather stripping, multi-glazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption;

Automated or computerized energy control systems;

Heating, ventilating, air conditioning, or HVAC system repairs or replacements (this does not include initial installations);

Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable building code for the lighting system after the proposed modifications are made;

Energy recovery systems;

Energy conservation measures that provide long-term cost reductions;

Alternative energy systems, including but not limited to wind power or solar power systems; and

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Other projects designed to reduce the consumption or use of energy.

An energy efficiency project may involve different types of work on a single building or structure, or may involve a single type of work (e.g., new roofing or windows) on several buildings or structures. There is no limit to the cost of a project; however, grant awards shall not exceed \$250,000 per project per fiscal year, and applicants shall provide a match from local funds and/or eligible federal or other funds equal to the grant amount requested (see Section 5-200(a) of the School Construction Law).

"Grant" means a school energy efficiency project grant.

(Source: Added at 34 Ill. Reg. 3000, effective February 18, 2010)

Section 151.220 Application for School Energy Efficiency Project Grants

- a) An eligible applicant may apply for a grant by submitting an application electronically in a format prescribed by the State Superintendent. A separate application shall be submitted for each project for which the applicant seeks a grant award.
- b) An application shall first be submitted electronically to the regional office of education at least two weeks prior to the application deadline announced by the State Superintendent for the fiscal year for which the grant is sought. The regional superintendent shall review and electronically forward the application to the State Board of Education by the application deadline.
- c) Each application shall include the following information.
 - 1) The names, addresses, and descriptions of the facilities included in the project.
 - 2) A narrative description of the nature and scope of the project, including the starting and completion dates for the project.
 - 3) The total cost of the project, amount and source of local matching funds (using the revenue and account codes set forth at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing)) and the requested grant amount.

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- 4) For applicants that are seeking more than one grant in a fiscal year, the order in which the applicant wants its projects funded.
- 5) Such assurances as the State Board of Education may require, to include at least the following:
 - A) certification by a licensed design professional of the reasonableness of the estimated costs and energy efficiency measures, and an estimate of the annual energy savings that will be realized;
 - B) that the local board of education, in the case of school districts, or other school governing authority authorized the school energy efficiency project during a duly convened meeting; and
 - C) that the local board of education, in the case of school districts, or other school governing authority reserved local funds in an amount equal to the school energy efficiency project grant requested to meet the local match requirement.
- d) Submission of the electronic application shall be evidence of authorization by the school board or other governing board.
- e) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information. An application must be complete by the submission deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Superintendent by such means as on-site inspection and review of documents.

(Source: Added at 34 Ill. Reg. 3000, effective February 18, 2010)

Section 151.230 Award of School Energy Efficiency Project Grants – Applicants with a Population of 500,000 or Fewer

Grant awards to applicants with a population of 500,000 or fewer residents shall be made as provided in this Section.

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- a) An applicant that submits a timely, complete and accurate application that is in compliance with the School Construction Law and this Subpart and that indicates that the applicant has a qualifying project shall be awarded a grant for the approved project provided that the appropriation is sufficient to fund the grant.
- b) If the appropriation for any fiscal year is insufficient to fund all approved projects, then grants shall be awarded in the following order until the appropriation is exhausted.
- 1) Grants shall be awarded in rounds, with each applicant being allowed one approved project per round.
 - 2) Within each round, grants shall be awarded in order of the applicant's need index, proceeding from greatest to least.
- c) For a school district applicant, the need index shall be determined by dividing the equalized assessed valuation per pupil in average daily attendance of the school district at the 90th percentile of wealth for districts of that type (i.e., elementary, high school, or unit) by the equalized assessed valuation per pupil in average daily attendance of the applicant.
- 1) For an applicant that does not possess property taxing authority, its equalized assessed valuation per pupil in average daily attendance shall be that of the school district in which the greatest number of the applicant's students reside.
 - 2) For purposes of calculating the need index, the equalized assessed valuation and average daily attendance shall be taken from the general state aid claims filed in the fiscal year for which a grant is made. The average daily attendance to be used shall be the district's best three months average daily attendance.

(Source: Added at 34 Ill. Reg. 3000, effective February 18, 2010)

Section 151.235 Award of School Energy Efficiency Project Grants – School Districts with a Population Exceeding 500,000

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A school district with a population exceeding 500,000 residents that submits a timely, complete and accurate application in compliance with the School Construction Law and this Subpart shall be awarded a grant in the amount provided by Section 5-200(c) of the School Construction Law.

(Source: Added at 34 Ill. Reg. 3000, effective February 18, 2010)

Section 151.240 Terms of the Grant

- a) Grants shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705]. Any grant funds not expended or legally obligated within two years after disbursement by the State shall be returned to the State Board of Education within 45 days.
- b) Grant funds may only be used for the project described in the approved application and shall be accounted for in compliance with applicable accounting rules set forth at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing). The applicant must provide local matching funds in an amount equal to the grant. If actual project expenditures are less than expected so that the amount of the grant is greater than 50 percent of the total project expenditures, then the applicant shall refund the amount of the grant that is in excess of 50 percent of actual project expenditures.
- c) Upon completion of the project, a final expenditure report, subject to audit, shall be submitted to the regional office of education and State Superintendent or designee within 30 days after final project closeout. The licensed design professional shall certify the final expenditure report. The final expenditure report shall describe the use of the grant funds and quantify the energy efficiency gained by the project.
- d) The applicant shall comply with the School Construction Law, this Subpart and all other applicable laws and regulations in completing a project.

(Source: Added at 34 Ill. Reg. 3000, effective February 18, 2010)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Driver Education
- 2) Code Citation: 23 Ill. Adm. Code 252
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
252.10	Amendment
252.25	Amendment
- 4) Statutory Authority: 105 ILCS 5/27-24 through 27-24.8
- 5) Effective Date of Rulemaking: February 18, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 20, 2009; 33 Ill. Reg. 15972
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 96-734, effective August 25, 2009, repeals Section 27-23 of the School Code ("Motor Vehicle Code") and places its relevant provisions into the Driver Education Act (Sections 27-24 through 27-24.8 of the School Code). As such, references to Section 27-23 have been removed from Part 252. This rulemaking contains only those Sections that were not amended by the rulemaking that recently took effect on October 20, 2009. Statutory citations to the repealed School Code

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Section in those adopted amendments were updated as part of the second notice changes requested by the Joint Committee on Administrative Rules.

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

Tim Imler, Division Administrator
Illinois State Board of Education
100 North First Street, N-320
Springfield, Illinois 62777

217/782-5256

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 252
DRIVER EDUCATION

Section	
252.10	Definitions
252.20	Administration and Procedures
252.25	Eligibility of Students
252.30	The Terms of Reimbursement for Public School Participation in the Course
252.40	Driver Education Personnel Requirements
252.50	Commercial Schools (Transferred)

AUTHORITY: Implementing and authorized by the Driver Education Act [105 ILCS 5/27-24 through 27-24.8].

SOURCE: Adopted September 4, 1975; codified at 8 Ill. Reg. 1585; emergency amendment at 9 Ill. Reg. 15558, effective October 1, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 12922, effective July 22, 1986; Section 252.50 transferred to 92 Ill. Adm. Code 1060.240 (Secretary of State) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver License Law [625 ILCS 5/6-411] at 11 Ill. Reg. 1631; amended at 18 Ill. Reg. 16307, effective October 25, 1994; amended at 22 Ill. Reg. 7577, effective April 17, 1998; amended at 26 Ill. Reg. 10476, effective July 1, 2002; amended at 28 Ill. Reg. 15481, effective November 22, 2004; amended at 29 Ill. Reg. 15936, effective October 3, 2005; amended at 32 Ill. Reg. 10922, effective July 7, 2008; amended at 33 Ill. Reg. 15273, effective October 20, 2009; amended at 34 Ill. Reg. 3018, effective February 18, 2010.

Section 252.10 Definitions

"Behind-The-Wheel Instruction" is that part of the driver education course that consists of individual practice driving with a driver education instructor who meets the requirements of Section 252.40 of this Part and provides learning experiences for the student as an operator of a dual-control car in traffic on public highways.

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"Classroom Instruction" is that part of the driver education course consisting of learning experiences centered in the classroom.

"Declaration of Intent" is a student's application for enrollment in a driver education course.

"Driver Education Course", as used in this Part, is any driver education course approved by the State Superintendent as meeting at least the minimum requirements of ~~Section 27-23 of the School Code [105 ILCS 5/27-23]~~, the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and this Part and consists of all those learning experiences provided by a school or school district for the purpose of helping students learn to use motor vehicles safely and efficiently. Driver education courses must include classroom and behind-the-wheel instruction as a unified course (see Section 252.20(c)(1) of this Part).

"Dual-Control Car" is a motor vehicle that has special safety and instructional equipment in addition to the regular legally prescribed equipment, which shall consist of a second foot brake positioned for use by the instructor, an outside rearview mirror on the right side of the vehicle, and a sign identifying the vehicle as a driver education car (see 625 ILCS 5/6-410).

"Eligible ~~Student~~~~student~~" is a student who meets the conditions of ~~Section Sections 27-23 and 27-24.2 of the School Code [105 ILCS 5/27-24.2]~~~~[105 ILCS 5/27-23 and 27-24.2]~~ for enrollment in a driver education course.

"Enrollment", for purposes of an approved driver education course, means the period of time beginning 30 days prior to the time a student begins classroom instruction through the conclusion of the driver education course.

"Observation Time" refers to that time during which a student is riding in the back seat of a dual-control car observing instructions of the teacher and procedures and techniques of the driver who is participating in behind-the-wheel instruction.

(Source: Amended at 34 Ill. Reg. 3018, effective February 18, 2010)

Section 252.25 Eligibility of Students

- a) Pursuant to ~~Section Sections 27-23 and 27-24.2 of the School Code~~, no student shall be permitted to enroll in a driver education course provided by a public

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school district or a nonpublic school unless he or she has either:

- 1) received a passing grade in at least eight courses (which may include courses completed in grade 8) during the previous two semesters or, in the case of block scheduling that reduces the number of courses taken per semester, in at least half the courses taken during the previous two semesters; or
 - 2) received a waiver of this requirement, pursuant to Section 27-24.2 of the School Code, from the superintendent of the public school district or the chief administrator of the nonpublic school in which the student is or will be enrolled full time during the semester for which enrollment in driver education is sought. A record of any waiver granted shall be entered into the affected student's temporary student record as defined in 23 Ill. Adm. Code 375.10, or its equivalent in the case of a nonpublic high school.
- b) Courses
- 1) For the purposes of this Section, a "course" means a sequence of instructional activities or unit of schoolwork for which a grade is given and listed in a student's academic transcript.
 - 2) For the purpose of determining eligibility under this Section, any coursework completed by a student during a summer term falling within the 12-month period immediately preceding the beginning of the semester for which enrollment in driver education is sought shall be counted towards the eight courses for which passing grades are needed.
- c) Verification of Eligibility
- 1) Each public school district or nonpublic school offering a driver education course shall be responsible for verifying the eligibility of all students seeking enrollment in such courses.
 - 2) Public school districts and nonpublic schools offering a driver education course shall establish procedures for verifying the eligibility of students enrolled there full time when eligibility is based upon the records created by, or transferred to, such schools. If the public school district or nonpublic school previously attended by a student fails to transfer records

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in time to permit the student's enrollment in driver education, then unofficial records or a signed statement from the parent or guardian of the student shall be used to certify eligibility.

- 3) When a student requests enrollment in a driver education course offered by an entity other than the school district or nonpublic school he or she attends, the school district or nonpublic school offering the course shall be responsible for requesting confirmation of the student's eligibility pursuant to this Section.
 - A) Confirmation may be obtained either in writing or via electronic means addressed to the official records custodian designated by the school pursuant to Section 4(a) of the Illinois School Student Records Act [105 ILCS 10/4(a)].
 - B) The response shall indicate only whether or not the student is eligible and shall not indicate what grades a student received or whether the student received a waiver.
 - C) Failure of a school district or nonpublic school to respond to a request for eligibility verification within 15 calendar days shall be construed as a positive response and the student in question shall be considered eligible for driver education. The requesting school district or nonpublic school shall inform the sending district or nonpublic school, in writing, of the attempts made to verify eligibility and the lack of response. This notification shall indicate that, in the absence of a response, the student is considered to be eligible provided that a signed statement by the student's parent or guardian is on file. A copy of the notification shall be placed in the student's temporary record.
 - D) A student enrolled in a home school who wishes to enroll in a driver education course offered by a public school district or nonpublic school shall present, and each such entity shall accept as verification of the student's eligibility, a signed statement stipulating:
 - i) that the student is enrolled in a home school;

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- ii) that he or she is eligible pursuant to subsection (a) of this Section; and
- iii) that the signature presented is that of the individual who administers the school attended by the student.

(Source: Amended at 34 Ill. Reg. 3018, effective February 18, 2010)

DEPARTMENT OF TRANSPORTATION

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- 1) Heading of the Part: Tourist Oriented Directional Signing Program
- 2) Code Citation: 92 Ill. Adm. Code 541
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
541.20	Amend
541.60	Amend
541.APPENDIX A	New
541.ILLUSTRATION A	Repeal
- 4) Statutory Authority: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01]
- 5) Effective Date of Amendments: February 19, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does these 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 Division of Highways and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 30, 2009; 33 Ill. Reg. 16540
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of the Amendments: This Part regulates the use of Tourist Oriented Directional Signs (TODS) displayed along various State-maintained non-freeways. It prescribes standards, specifications, and financial responsibility for the TODS program which provides motorists with travel-related directional information to facilities of interest to tourism. This program applies to non-freeways within the State of Illinois that are under the jurisdiction of the Department of Transportation (the Department) and that are outside of urban areas.

In Section 541.20, the Department changed the definition of "Urban Area" by increasing the maximum population to 5,000 from 2,500. A review of the program over the last 10 years has shown that the population criteria can be raised to provide more opportunity for small tourist businesses to participate in the program.

In Section 541.60, the Department struck the provision concerning publication of a notice soliciting participation in the program since the program is fully operational and solicitation is no longer necessary. Additionally, a review of the program has shown that costs for installation and maintenance of the business signs have increased resulting in a need to amend the annual lease structure to ensure that the program pays for itself. Other amendments clarify the fee adjustment process.

In Section 541.Illustration A, the district map was repealed and a list of district offices and counties was added, at Section 541.Appendix A, to replace it.

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

Mr. Aaron Weatherholt, Engineer of Operations
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764

217/782-2076

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

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NOTICE OF ADOPTED AMENDMENTS

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

PART 541
 TOURIST ORIENTED DIRECTIONAL SIGNING PROGRAM

Section

541.10	Introduction
541.20	Definitions
541.30	Tourist Oriented Directional Signs
541.40	Business Signs
541.50	Sign Design
541.60	Application, Fees, and Other Regulations
<u>541.APPENDIX A</u>	<u>District Offices and Counties</u>
541.ILLUSTRATION A	District Boundary Map <u>(Repealed)</u>

AUTHORITY: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01].

SOURCE: Adopted at 22 Ill. Reg. 12001, effective July 1, 1998; amended at 34 Ill. Reg. 3025, effective February 19, 2010.

Section 541.20 Definitions

The following words or phrases when used in this Part shall have the meanings ascribed to them below.

"Business" – an open establishment available to the general public thatwhich is oriented toward tourism and the major portion of whose income or visitors are derived during the normal business season from motorists not residing within 25 air miles of thesueh business.

"Business Sign" – a rectangular sign consisting of a business name, directional information, and mileage.

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"Calendar Year" – a year beginning January 1 and ending the following December 31.

"Department" – the Illinois Department of Transportation, with central offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

"Intersecting Road" – a public road intersecting a marked State highway.

"Marked State Highway" – a State-maintained highway carrying a State or US route number.

"Non-Freeway" – a divided or undivided marked State highway without full control of access and without grade separations at crossroads.

"Qualifying Business" – a business meeting the criteria for signing contained in Section 541.40(f).

"Rural Area" – an area outside of an urban area.

"Tourist Oriented Directional Sign" or "TODS" – a rectangular sign installed on a State highway displaying the words "TOURIST ACTIVITIES" with a maximum of four business signs mounted underneath.

"Trailblazer Sign" – a business sign displayed, together with an arrow panel, off of a marked State highway to advise motorists where to turn on the intersecting road.

"Urban Area" – An urban area includes: one or more contiguous incorporated communities listed by the Federal Census Bureau ~~of Census~~ as encompassing a total population of 5,0002,500 or more within a defined area, including any unincorporated areas within such boundaries but excluding rural portions of "extended" communities; and Federal Census Bureau ~~of Census~~ designated places of 5,0002,500 or more population.

(Source: Amended at 34 Ill. Reg. 3025, effective February 19, 2010)

Section 541.60 Application, Fees, and Other Regulations

- a) Application

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- ~~1)~~ ~~Where the TODS program is implemented on a State highway for the first time, the Department will publish in local newspapers a notice soliciting participation from eligible tourist oriented businesses.~~
- ~~1)2)~~ Application forms will be available from the Department (see Section ~~541. Appendix A – District Offices and Counties~~ ~~541. Illustration A – District Boundary Map~~ for a listing of District addresses and phone numbers) for all businesses that could qualify to have business signs included in this program. If a business wishes to participate in this program, it must complete an application form and submit it to the Department by the deadline indicated in the newspaper notice. Applications received after the indicated date will be considered if space is still available at the State highway intersection in question.
- ~~2)3)~~ Where the Department determines from the initial application that the business meets the criteria listed in this Part and space is available, the application will be approved and returned to the business along with instructions concerning payment of the annual fee.
- ~~3)4)~~ Applications for qualifying businesses desiring spaces subsequent to the initial installation will be considered on a first come-first served basis as spaces become available. Applications will be taken for spaces ~~that~~~~which~~ may become available at some future date when there are no spaces available at the time the applications are submitted. In such cases, the ~~processing~~~~application~~ fee will be returned to the applicant and the applicant's name will be kept on file. When a space becomes available, the qualifying businesses ~~that~~~~who~~ are on file will be notified by mail in the order of their initial application date to see if they are still interested in the space. The applicant who desires to have the available space and whose application has been on file the longest, providing the ~~processing~~~~application~~ fee is submitted within 45 days after the written notification, shall be given the available space with the remaining businesses being retained on file. Priority for two or more applicants with the same initial application date shall be based on the distance from the State highway with the business closest to the highway having the highest priority.

b) Fees

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- 1) A ~~\$100~~\$50 nonrefundable ~~processing application~~ fee must be submitted by the business establishment to the Department with the application. A ~~\$100~~\$50 nonrefundable ~~processing application~~ fee will also be charged when a business reapplies for signing after ~~its~~their signs have been removed due to late rental payments ~~or~~; temporary withdrawal from the program, or when the type of operation of a business changes.
- 2) An annual fee of ~~\$70~~\$65, sufficient to offset the cost of this program, will be charged for each business sign displayed on the State highway system. This fee is based on recovering the Department's costs for the program based on a six year life for posts and signs and includes the placement of new signs as necessary. ~~The Every other calendar year, the~~ Department will ~~periodically adjust the fees to reflect the current cost of maintaining the signing system. Fee adjustments are subject to rulemaking~~ ~~recompute the fees and make such adjustments in this Section as may be warranted so as to reflect the cost of maintaining the signing system.~~ Fees will be collected on an annual basis. When a business establishment makes an annual payment, it will be guaranteed participation in the program for the entire year, as long as it continues to meet the criteria under this Part. Any business closing or withdrawing from the program after making its annual payment will not be given a refund. A prorated fee will be charged for signs initially installed after the beginning of a calendar year. No proration will be given for seasonal closings.
- 3) ~~When~~Where payment is not received by the Department within 30 days after the due date, the business ~~signs~~sign(s) will be removed by the Department and the business will lose its signing priority to the next business desiring the space. When the fee is received after the business sign is removed, and space is still available on the panel, a fee of ~~\$100~~\$50 will be charged for ~~reprocessing~~reapplication as provided for in Section 541.60(b)(1), in addition to the annual fee for the remainder of the calendar year, as well as that portion of the annual fee owed for the period of time between the end of the preceding calendar year and the date the signs were removed.
- 4) A fee of ~~\$200~~\$150 for each business sign will be charged for a business requesting that its signs be replaced with new signs because of a change in the name of the business, or a change in the days or months of operation.

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~~When~~~~Where~~~~such~~ replacement is requested, all business signs for the specific business on the State highway system will be replaced at the same time. Also, any business signs ~~that~~~~which~~ are tampered with by the business by altering the name, changing the days or months of operation, or ~~by~~ adding a logo, symbol or any other wording subsequent to their installation will be removed by the Department. If the business wishes to continue in the program, it shall pay a fee of ~~\$200~~~~\$150~~ per sign.

c) Placing and Maintaining Business Signs

- 1) The Department will erect the signs on the State highway system after approval of the application for a business and proof that trailblazer signs, where required, are in place on highways under the jurisdiction of local agencies. Only the Department will place, maintain, remove, or alter the business signs on the State highway system.
- 2) Businesses will be required to certify on the application that they meet the established criteria. When the Department receives a complaint that a business may not comply, the suspected business will be contacted by the Department to determine if it meets the established criteria. If it is determined the facility fails to qualify, the business must change its operation so as to comply or its business signs will be removed and no refund will be made of any portion of the annual fees already paid.

(Source: Amended at 34 Ill. Reg. 3025, effective February 19, 2010)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 541.APPENDIX A District Offices and Counties**Region 1**
Regional Engineer

<u>District 1</u>	<u>Bureau of Traffic</u> <u>201 West Center Court</u> <u>Schaumburg IL</u> <u>60196-1096</u> <u>847/705-4411</u>	<u>Cook, DuPage, Kane, Lake,</u> <u>McHenry and Will</u>
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Region 2
Regional Engineer

<u>District 2</u>	<u>Bureau of Operations</u> <u>819 Depot Avenue</u> <u>Dixon IL 61021-3500</u> <u>815/284-5395</u>	<u>Boone, Carroll, Henry,</u> <u>JoDaviess, Lee, Ogle, Rock</u> <u>Island, Stephenson,</u> <u>Winnebago and Whiteside</u>
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<u>District 3</u>	<u>Bureau of Operations</u> <u>700 East Norris Drive</u> <u>Ottawa IL 61350</u> <u>815/434-8417</u>	<u>Bureau, DeKalb, Ford</u> <u>Grundy, Iroquois, Kankakee,</u> <u>Kendall, LaSalle and</u> <u>Livingston</u>
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Region 3
Regional Engineer

<u>District 4</u>	<u>Bureau of Operations</u> <u>401 Main St.</u> <u>Peoria IL 61602</u> <u>309/671-4460</u>	<u>Fulton, Henderson, Knox,</u> <u>Marshall, McDonough,</u> <u>Mercer, Peoria, Putnam, Stark,</u> <u>Tazewell, Warren and</u> <u>Woodford</u>
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<u>District 5</u>	<u>Bureau of Operations</u> <u>13473 IL Hwy. 133</u> <u>P.O. Box 610</u> <u>Paris IL 61944</u> <u>217/466-7234</u>	<u>Champaign, DeWitt, Douglas,</u> <u>Edgar, McLean, Piatt and</u> <u>Vermilion</u>
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Region 4
Regional Engineer

<u>District 6</u>	<u>Bureau of Operations</u> <u>126 East Ash St.</u> <u>Springfield IL 62704-4792</u> <u>217/782-7314</u>	<u>Adams, Brown, Cass,</u> <u>Christian, Hancock, Logan,</u> <u>Macoupin, Mason, Menard,</u> <u>Montgomery, Morgan, Pike,</u> <u>Sangamon, Schuyler and Scott</u>
<u>District 7</u>	<u>Bureau of Operations</u> <u>400 West Wabash</u> <u>Effingham IL 62401</u> <u>217/342-8261</u>	<u>Clark, Clay, Coles, Crawford,</u> <u>Cumberland, Edwards,</u> <u>Effingham, Fayette, Jasper,</u> <u>Lawrence, Macon, Moultrie,</u> <u>Richland, Shelby, Wabash and</u> <u>Wayne</u>

Region 5
Regional Engineer

<u>District 8</u>	<u>Bureau of Operations</u> <u>1102 Eastport Plaza</u> <u>Collinsville IL 62234</u> <u>618/346-3250</u>	<u>Bond, Calhoun, Clinton,</u> <u>Greene, Jersey, Madison,</u> <u>Marion, Monroe, Randolph,</u> <u>St. Clair and Washington</u>
<u>District 9</u>	<u>Bureau of Operations</u> <u>State Transportation Building</u> <u>2801 W. Murphysboro</u> <u>P.O. Box 100</u> <u>Carbondale IL 62903</u> <u>618/351-5240</u>	<u>Alexander, Franklin, Gallatin,</u> <u>Hamilton, Hardin, Jackson,</u> <u>Jefferson, Johnson, Massac,</u> <u>Perry, Pope, Pulaski, Saline,</u> <u>Union, White and Williamson</u>

(Source: Added at 34 Ill. Reg. 3025, effective February 19, 2010)

DEPARTMENT OF TRANSPORTATION

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Section 541. ILLUSTRATION A District Boundary Map (Repealed)

DISTRICT ENGINEERS

DISTRICT 1

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

DISTRICT 2

819 DEPOT AVENUE
DIXON, ILLINOIS 61021-3548
PHONE: 815/284-2271

DISTRICT 3

700 EAST NORRIS DRIVE
P. O. BOX 697
OTAWA, ILLINOIS 61350-0697
PHONE: 815/434-8131

DISTRICT 4

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

DISTRICT 5

STATE HIGHWAY BUILDING
ROUTE 133 WEST - P. O. BOX 810
PARIS, ILLINOIS 61844-0810
PHONE: 217/466-4181

DISTRICT 6

126 EAST ASH STREET
SPRINGFIELD, ILLINOIS 62704-4768
PHONE: 217/782-7301

DISTRICT 7

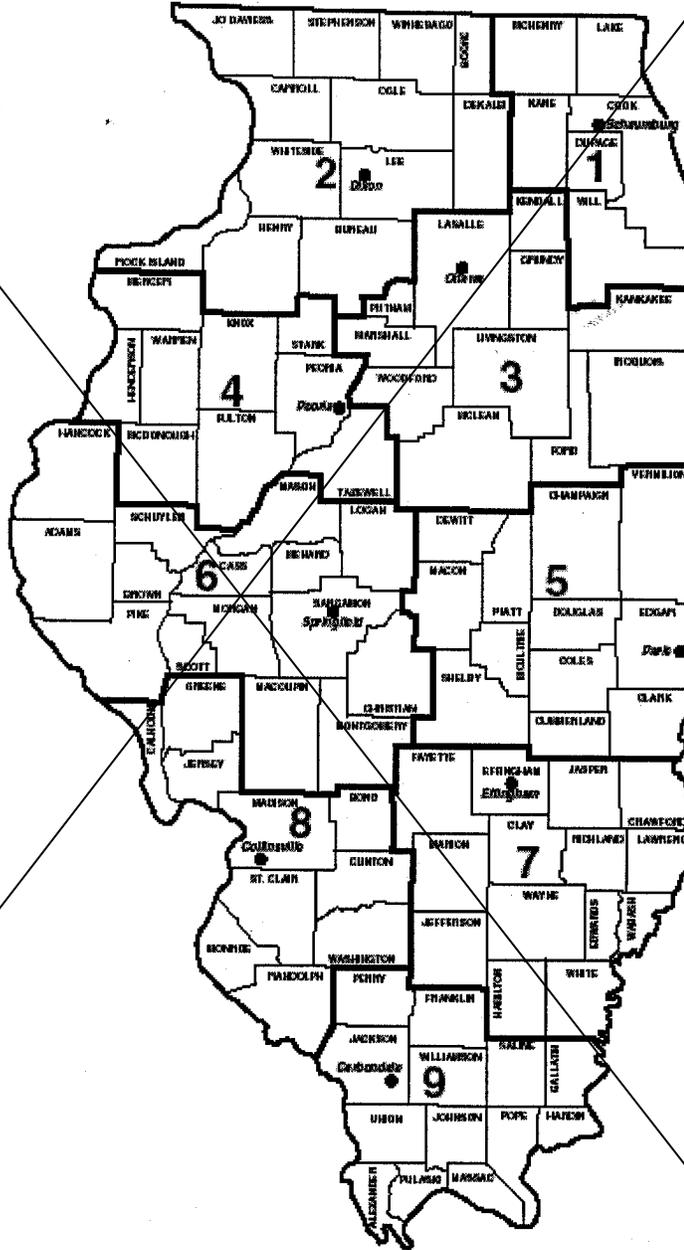
STATE HIGHWAY BUILDING
400 WEST WABASH
EFFINGHAM, ILLINOIS 62401-2699
PHONE: 217/342-3861

DISTRICT 8

1102 EASTPORT PLAZA DRIVE
COLLINSVILLE, ILLINOIS 62234-6198
PHONE: 618/348-3100

DISTRICT 9

STATE HIGHWAY BUILDING
P. O. BOX 100
CARBONDALE, ILLINOIS 62903-0100
PHONE: 618/549-2171



DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 34 Ill. Reg. 3025, effective February 19, 2010)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Engine Braking Signs
- 2) Code Citation: 92 Ill. Adm. Code 547
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
547.100	Amend
547.300	Amend
547.400	Amend
- 4) Statutory Authority: Implementing and authorized by Section 12-602.1 of the Illinois Vehicle Code [625 ILCS 5/12-602.1]
- 5) Effective Date of Amendments: February 19, 2010
- 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 Division of Highways and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 30, 2009; 33 Ill. Reg. 16552
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The Department changed "may" to "will" at Section 547.300(c). Other non-substantive, grammatical changes were made to the rulemaking in agreement with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Part was promulgated in accordance with Section 12-602.1 of the Illinois Vehicle Code (the Code) [625 ILCS 5/12-602.1] to

DEPARTMENT OF TRANSPORTATION

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regulate the use of signs by municipalities and counties that prohibit excessive engine braking noise along streets and highways under municipal and county jurisdictions. Engine braking signs are not permitted on freeways or interstate highways under Department jurisdiction, except the Department may erect and maintain the signs on interstate highways near weigh stations when the weigh stations are adjacent to residential areas or communities as authorized by Public Act 96-523, effective January 1, 2010, but may be installed along roads or streets under Department jurisdiction in accordance with Section 11-303(b) of the Code.

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

Mr. Aaron Weatherholt, Engineer of Operations
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764

217/782-2076

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYSPART 547
ENGINE BRAKING SIGNS

Section

547.100	Introduction
547.200	Definitions
547.300	Criteria for Engine Braking Signs
547.400	Sign Design

AUTHORITY: Implementing and authorized by Section 12-602.1 of the Illinois Vehicle Code [625 ILCS 5/12-602.1].

SOURCE: Adopted at 30 Ill. Reg. 17571, effective October 23, 2006; amended at 34 Ill. Reg. 3036, effective February 19, 2010.

Section 547.100 Introduction

- a) This Part has been developed, in accordance with Section 12-602.1 of the Illinois Vehicle Code (the Code) [625 ILCS 5/12-602.1], to regulate the use of signs, by [the Department](#), municipalities and counties, that prohibit excessive engine braking noise along streets and highways under [their respective municipal and county](#) jurisdictions. This Part establishes standards and financial responsibility for the signs ~~and will become effective on January 1, 2007~~.
- b) Engine braking signs shall not be installed on freeways or interstate highways under the jurisdiction of the Department, [except near weigh stations as prescribed in Section 547.300\(c\)](#), but may be installed along roads or streets under the jurisdiction of the Department in accordance with Section 11-303(b) of the Code [625 ILCS 5/11-303(b)].

(Source: Amended at 34 Ill. Reg. 3036, effective February 19, 2010)

Section 547.300 Criteria for Engine Braking Signs

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- a) A municipality or county may furnish, install and maintain engine braking signs at each end of the section of road or street under its respective jurisdiction where the prohibition applies and may add such additional engine braking signs along the prohibited section, as necessary, to effect the prohibition.
- b) A municipality or county may furnish, install and maintain engine braking signs along roads or streets, other than freeways and interstates, under the jurisdiction of the Department in accordance with Section 11-303(b) of the Code.
- c) At the request of a municipality or a county, the Department will furnish, install and maintain the signs on interstate highways near weigh stations that are within ½ mile of residential areas or communities [625 ILCS 5/12-602.1].

(Source: Amended at 34 Ill. Reg. 3036, effective February 19, 2010)

Section 547.400 Sign Design

- a) The sign shall be a standard 48" wide x 60" tall on freeways and 30" wide x 36" tall on other streets or roads. It shall contain~~with~~ the words "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED" in black lettering on a retroreflectorized white background and shall carry the Illinois Department of Transportation Sign Standard Number R5-I106.
- b) The sign may be supplemented by a panel mounted underneath with the legend "ON VILLAGE (CITY) STREETS, NEXT 2 MILES, 7 PM-8 AM" or similar wording in black lettering on a retroreflectorized white background specifying the extent and/or time limits of the prohibition.

(Source: Amended at 34 Ill. Reg. 3036, effective February 19, 2010)

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Certification of Alternative Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 451
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
451.10	Amendment
451.20	Amendment
451.30	Amendment
451.40	Amendment
451.50	Amendment
451.100	Amendment
451.110	Amendment
451.120	Amendment
451.130	Amendment
451.140	Amendment
451.150	Amendment
451.200	Amendment
451.220	Amendment
451.230	Amendment
451.240	Amendment
451.250	Amendment
451.300	Amendment
451.310	Amendment
451.320	Amendment
451.330	Amendment
451.340	Amendment
451.350	Amendment
451.400	Amendment
451.410	Amendment
451.420	Amendment
451.430	Amendment
451.510	Amendment
451.710	Amendment
451.740	Amendment
451.750	Amendment
451.760	Amendment
451.770	Amendment

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NOTICE OF EMERGENCY AMENDMENTS

- 4) Statutory Authority: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115]
- 5) Effective Date of Amendments: February 19, 2010
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments will expire at the end of 150 days, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: February 19, 2010
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Commission's office in Springfield and is available for public inspection.
- 9) Reason for Emergency: Pursuant to Public Acts 95-1027, 96-0033, and 96-0159, the State's renewable portfolio standard and clean coal standard apply to alternative retail electric suppliers ("ARES") and electric utilities operating outside their service territories. This legislation added a requirement that the Commission make a finding for the procurement of renewable energy resources and sourcing electricity from clean coal facilities before granting an ARES Certificate. These changes to Part 451 implement this new requirement. In addition, the emergency rules improve the ARES certification and continuing compliance process.
- 10) A Complete Description of the Subjects and Issues Involved: 83 III. Adm. Code 451 establishes various requirements for ARES applicants seeking a certificate of service authority from the Commission in accordance with Section 16-115 of the Public Utilities Act before serving any retail customer or other user located in this State. General provisions are contained in Subpart A, procedures for applicants who are seeking to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more are contained in Subpart B, procedures for applicants who are seeking to serve only nonresidential retail customers with annual electrical consumption greater than 15,000 kWh are contained in Subpart C, procedures for applicants who are seeking to serve all retail customers are contained in Subpart D, procedures for applicants who are seeking to serve only themselves or affiliated customers are contained in Subpart E, the financial qualifications for the provision of single-billing service are contained in Subpart F, and procedures for reporting continuing compliance with certification requirements are contained in Subpart H.

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Additional changes improve the ARES certification and continuing compliance process. One of the changes adjusts the date to demonstrate continuing compliance with the ARES requirements from no later than January 31 to April 30 of each year. It is in the public interest to change the compliance deadline at the same time as implementing the new requirements. This will allow ARES to demonstrate that they met these requirements in their compliance filings due April 30. In addition, changes to the financial qualifications will promote competition by reducing costs to ARES. As in the case of the adjustment of the compliance deadline, it is in the public interest to make the changes to the financial qualifications concurrent with the other changes, since it would be counterproductive to allow ARES to continue to receive new certificates using obsolete qualifications.

The changes to the financial qualifications will remove unnecessary confusion for applicants or possible loopholes in the current requirements. The financial requirements give ARES a choice of several options that gives participants the ability to choose a method that best fits the situation of a particular ARES. The ARES financial qualifications in Part 451 are fashioned in such a manner that any changes create a need for other changes, making it imperative to keep all the options together as a package. It would be unnecessarily burdensome on ARES to change financial qualifications more than once during a compliance period. The Commission's adoption of all the changes to Part 451 (the new requirements, new compliance period, and amended financial qualifications) on an emergency basis, will enable an ARES to file one verified ARES application within one period containing all the necessary information. In addition, this will allow the Commission to assess every company and allow ARES to meet these new requirements in an expeditious and fair manner for the upcoming compliance period, providing a smoother transition for both Commission and the ARES.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

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Phone: 217/785-3922

Fax: 217/524-9280

The full text of the Emergency Amendments appears on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 451
CERTIFICATION OF ALTERNATIVE RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL PROVISIONS

Section

451.10 Definitions and Incorporations

EMERGENCY

451.20 Requirements for All Applicants under Section 16-115(d) of the Act

EMERGENCY

451.30 Required Filings and Procedures

EMERGENCY

451.40 Customer Records and Information

451.50 License or Permit Bond Requirements

EMERGENCY

451.60 Confidential Documentation

SUBPART B: ~~EXPEDITED~~ PROCEDURES FOR APPLICANTS SEEKING TO
SERVE ONLY NONRESIDENTIAL RETAIL CUSTOMERS WITH MAXIMUM
ELECTRICAL DEMANDS OF ONE MEGAWATT OR MORE

Section

451.100 Applicability of Subpart B

EMERGENCY

451.110 Financial Qualifications under Subpart B

EMERGENCY

451.120 Technical Qualifications under Subpart B

EMERGENCY

451.130 Managerial Qualifications under Subpart B

EMERGENCY

451.140 Qualifications of Agents and Contractors under Subpart B

EMERGENCY

451.150 Commission Order in Expedited Proceedings under Subpart B

451.160 Confidential Documentation (Repealed)

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SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE
NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL
CONSUMPTION GREATER THAN 15,000 kWh

Section

451.200 Applicability of Subpart C

EMERGENCY

451.210 General Qualifications under Subpart C

451.220 Financial Qualifications under Subpart C

EMERGENCY

451.230 Technical Qualifications under Subpart C

EMERGENCY

451.240 Managerial Qualifications under Subpart C

EMERGENCY

451.250 Qualifications of Agents and Contractors under Subpart C

EMERGENCY

451.260 Commission Order in Proceedings under Subpart C

451.270 Confidential Documentation under Subpart C (Repealed)

SUBPART D: PROCEDURES FOR APPLICANTS SEEKING
TO SERVE ALL RETAIL CUSTOMERS

Section

451.300 Applicability of Subpart D

EMERGENCY

451.310 General Provisions of Subpart D

EMERGENCY

451.320 Financial Qualifications under Subpart D

EMERGENCY

451.330 Technical Qualifications under Subpart D

EMERGENCY

451.340 Managerial Qualifications under Subpart D

EMERGENCY

451.350 Qualifications of Agents and Contractors under Subpart D

EMERGENCY

451.360 Commission Order in Proceedings under Subpart D

451.370 Confidential Documentation under Subpart D (Repealed)

SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION
TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS

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Section

451.400 Applicability of Subpart E

EMERGENCY

451.410 Required Filings and Procedures under Subpart E

EMERGENCY

451.420 Technical Qualifications under Subpart E

EMERGENCY

451.430 Qualifications of Agents and Contractors under Subpart E

EMERGENCY

451.440 Commission Order in Proceedings under Subpart E

451.450 Confidential Documentation under Subpart E (Repealed)

SUBPART F: FINANCIAL QUALIFICATIONS FOR THE
PROVISION OF SINGLE-BILLING SERVICE

Section

451.500 Applicability of Subpart F

451.510 Financial Qualifications under Subpart F

EMERGENCYSUBPART H: PROCEDURES FOR REPORTING CONTINUING
COMPLIANCE WITH CERTIFICATION REQUIREMENTS

Section

451.700 Applicability of Subpart H

451.710 General Provisions

EMERGENCY

451.720 Erroneous or Defective Reports

451.730 Certification of Compliance with Section 16-115(d)(5) of the Act (Repealed)

451.740 Financial Reporting Requirements

EMERGENCY

451.750 Managerial Reporting Requirements

EMERGENCY

451.760 Technical Reporting Requirements

EMERGENCY

451.770 Kilowatt-hour Reporting Requirement

EMERGENCY

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AUTHORITY: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115].

SOURCE: Adopted at 23 Ill. Reg. 5528, effective May 1, 1999; amended at 23 Ill. Reg. 13820, effective December 1, 1999; amended at 24 Ill. Reg. 15971, effective October 15, 2000; amended at 26 Ill. Reg. 7039, effective May 1, 2002; expedited correction at 26 Ill. Reg. 15115, effective May 1, 2002; amended at 32 Ill. Reg. 17126, effective November 1, 2008; emergency amendment at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 451.10 Definitions and Incorporations**EMERGENCY**

"Accountant's report" has the same meaning as in 17 CFR 210.1-02 and 210.2-02 as of April 1, 2001. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" has the same meaning as in Section 16-102 of the Act [220 ILCS 5/16-102].

"Applicant" means an entity that files an application with the Illinois Commerce Commission to provide electric service as an alternative retail electric supplier under Section 16-115 of the Act [220 ILCS 5/16-115].

"Best's financial size category" refers to a numerical value that A.M. Best or its successor assigns to an insurance company based on the amount of that insurance company's policyholders' surplus and reserve funds.

"Best's rating" refers to a rating from A.M. Best or its successor that provides an overall opinion of an insurance company's ability to meet its obligations to policyholders.

"Business enterprise" means a commercial enterprise or establishment.

"Certified", when used in regard to financial statements, has the same meaning as in 17 CFR 210.1-02 as of April 1, 2001. No incorporation of the Code of Federal

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Regulations in this Section 451.10 includes any later amendment or edition.

"Commercial general liability insurance" means insurance that covers suits against the insured for personal injury and property damages.

"Commission" means the Illinois Commerce Commission.

"Electric cooperative" means the same as that term is defined in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4].

"Financial statements" has the same meaning as in 17 CFR 210.3-01 to 210.3-05 as of April 1, 2001. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

~~"Funds from operations interest coverage" equals (cash flow from operations exclusive of changes in working capital plus gross interest expense) divided by gross interest incurred before subtraction of capitalized interest and interest income.~~

~~"Funds from operations to average total debt" equals (cash flow from operations exclusive of changes in working capital plus depreciation adjustment for operating leases) divided by the average balance of total debt.~~

"Guarantee" means an undertaking by a guarantor to pay or fulfill the obligation upon failure of the principal obligor to fulfill its contractual obligations. A guarantee shall contain the following provisions:

The guarantee is one of payment and not of collection;

The guarantor's obligations under the guarantee are weighed equally with other guarantees;

The obligations from transactions entered into under the original guarantee must be the subject of an ongoing guarantee;

The guarantee reinstates if any guaranteed payment made by the primary obligor is recaptured as a result of bankruptcy or insolvency; and

The guarantee is binding on successors of the guarantor.

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"Letter of credit" means an instrument issued by a bank guaranteeing the payment of a customer's (i.e., the applicant or ARES) drafts in favor of a third party up to a stated amount for a specified period.

"License bond" means an obligation of a surety to pay the monies that the licensee owes the State of Illinois for violations of the duties and obligations imposed on it as an ARES.

"Management position" means an employed position whereby an individual is responsible for directing, supervising, or administering the activities of a group of two or more people with fiscal responsibility and authority over that group.

"Material" has the same meaning as in 17 CFR 210.1-02 as of April 1, 2001. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Municipal system" means any public utility owned and operated by any political subdivision or municipal corporation of the State of Illinois, or owned by such an entity and operated by any lessee or agent thereof.

"Parent" has the same meaning as in 17 CFR 210.1-2 as of April 1, 2001. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Payment bond" means an obligation of a surety to pay the monies that the principal (i.e., the applicant or ARES) owes another party in the event that the applicant fails for whatever reason to perform its contract(s).

"Permit bond" has the same meaning as "license bond".

~~"Pre-tax interest coverage" equals earnings from continuing operations before interest and taxes divided by gross interest incurred before subtraction of capitalized interest and interest income.~~

"Qualifying surety" means a surety or insurer that is authorized by the U.S. Department of Treasury pursuant to 31 USC 9305. A qualifying surety or insurer may not underwrite more than the amount specified by the U.S. Department of Treasury on a single bond.

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"Ratings agency" means Standard & Poor's or its successor, Moody's Investors Service or its successor, or Fitch Ratings or its successor.

"Retail customer", as used in this Part, means the same as the term is defined in Section 16-102 of the Act.

"RTO" means a Regional Transmission Organization.

"Segment" refers to a component of an entity whose activities represent a separate major line of business or class of customer.

"Small commercial retail customer" means the same as the term is defined in Section 16-102 of the Act.

"Surplus Line Association of Illinois" is an organization of Illinois surplus line producers as defined in Section 445.1 of the Illinois Insurance Code [215 ILCS 5/445.1].

"Technical staff" means a staff of trained technical experts in electric power and energy supply, including persons who have completed an accredited or otherwise recognized apprenticeship program or a formal education program and persons who possess no less than four years of experience working in a similar position with a utility, ARES or related business. This shall also include those persons registered as professional engineers as required by the Professional Engineering Practice Act of 1989 [225 ILCS 325].

~~"Total debt" equals notes payable plus current portion of long term debt, preferred stock and capitalized lease obligations plus long term debt plus capitalized lease obligations plus total off balance sheet debt.~~

~~"Total debt to total capitalization" equals total debt divided by (total debt plus minority interest, total preferred and preference stock plus common equity).~~

"Unconditional guarantee" has the same meaning as "guarantee" with these additional provisions:

The guarantor has subjected itself to jurisdiction and service of process in accordance with the laws of the State of Illinois, and the guarantee will be

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construed in accordance with the laws of the State of Illinois without reference to conflict of laws principles; and

The guaranteed obligations are unconditional, irrespective of value, genuineness, validity, waiver, release, alteration, amendment, and enforceability of the guaranteed obligations.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.20 Requirements for All Applicants under Section 16-115(d) of the Act**EMERGENCY**

Each applicant, except electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an ARES and applicants filing under Section 16-115(e) of the Act [220 ILCS 5/16-115(e)], for certification as an ARES must include with its application the following items, as required by Section 16-115(d) of the Act:

- a) The applicant shall certify that it will comply with all applicable Federal, State, regional and industry rules, policies, practices, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system ~~(including the Open Access Same-time Information System (OASIS) mandated by 18 CFR 37 and the rules and operating guidelines and procedures of the regional or national electric reliability council(s) or organization(s) and their successors for any portion of the state in which the applicant is certified to provide retail electric service)~~ and shall agree to submit good faith schedules of transmission and energy in accordance with applicable tariffs.
- ~~b) The applicant shall certify that it will provide service only to retail customers that are eligible to take delivery services.~~
- ~~be) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may by rule establish and provide for review by Staff on a confidential and proprietary basis data related to contracts for the purchase and sale of electric power and energy (see 220 ILCS 5/16-115(d)(4)).~~
- ~~d) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may establish regarding the provision of~~

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~~information required by Section 16-112 of the Act [220 ILCS 5/16-112]. Any data related to contracts for the purchase and sale of electric power and energy shall be made available for review by the Staff of the Commission on a confidential and proprietary basis and only to the extent and for the purposes that the Commission determines are reasonably necessary in order to carry out the purposes of this Act.~~

- ce) The applicant shall provide the following:
- 1) Applicant's name and street address; and
 - 2) Applicant's Federal Employer Identification Number (FEIN).
- df) The applicant shall demonstrate that:
- 1) The applicant is licensed to do business in the State of Illinois; and
 - 2) The employees of the applicant that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, or any entity with which the applicant has contracted to perform those functions within the State of Illinois, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)].
- eg) The applicant shall certify compliance with all other applicable laws and regulations and Commission rules and orders.
- f) The applicant shall certify it will procure renewable energy resources as required by Section 16-115D and Section 16-115(d) of the Act, or shall certify that Section 16-115D and Section 16-115(d) of the Act do not apply to it pursuant to Section 16-115D(h) of the Act [220 ILCS 5/16-115D(h)].
- g) The applicant shall certify that it will source electricity from clean coal facilities, as required by Section 16-115(d)(5) of the Act [220 ILCS 5/16-115(d)(5)].

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.30 Required Filings and Procedures**EMERGENCY**

- a) The applicant shall publish, as provided by the Notice by Publication Act [715 ILCS 5], notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant shall file proof of publication with the Clerk of the Commission within 5 days after publication.
- b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- c) The applicant shall identify the geographic area or geographic areas in which the applicant seeks to be authorized to offer service and the types of services it intends to offer. The applicant shall provide the following:
 - 1) Description of the applicant's business.
 - 2) Description of the characteristics of customer group(s) applicant proposes to serve. and
 - 3) Proof that notification of an intent to serve in any utility's service area has been previously provided to the agent designated by the electric utility pursuant to 83 Ill. Adm. Code 215.10 of each electric utility in whose service area the applicant intends to serve.
- d) Itemized filing requirements
 - 1) At the time an ARES files an application for certification under this Part, the applicant shall also file its statement in support of application, supporting documents, and schedules containing information showing that the applicant meets the requirements of Section 16-115 of the Act [220 ILCS 5/16-115]; and-
 - 2) The applicant shall certify compliance with all terms and conditions

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required by Sections 16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act, to the extent those Sections have application to the services being offered by the alternative electric supplier [220 ILCS 5/16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a)].

- e) Documents shall include the full name, address, telephone number and, unless the applicant has no facsimile number or e-mail address, facsimile number and e-mail address of the applicant. An applicant shall state whether it agrees to accept service by electronic means as provided for in Section 200.1050. Contents of documents shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.1050: Subpart B). In addition, documents shall be typewritten or printed on white paper 8½ inches by 11 inches or capable of being printed on white paper 8½ inches by 11 inches and shall have inside text margins of not less than one inch.
- f) The foregoing requirements of this Section shall apply to neither electric cooperatives or municipal systems making an election under Section 17-300 of the Act to become an ARES nor to applicants filing under Section 16-115(e) of the Act.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.50 License or Permit Bond Requirements**EMERGENCY**

- a) The applicant shall execute and maintain a license or permit bond issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois. The amount of the bond shall equal \$30,000 if the applicant seeks to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more, \$150,000 if the applicant seeks to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh, or \$300,000 if the applicant seeks to serve all eligible retail customers. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES and shall be valid for a period of not less than one year. The cost of the bond shall be paid by the applicant. The applicant shall file a copy of this bond, with a notarized verification page from the issuer, as part of its application for

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certification.

- b) In the event that a license or permit bond is cancelled, expires or is drawn upon, the ARES shall execute and maintain an additional or replacement bond such that the cumulative value of all outstanding bonds never falls below the amount required in subsection (a) of this Section. The ARES shall file a copy of the additional or replacement bond with the Chief Clerk of the Commission and provide a copy to the ~~Manager of the~~ Financial Analysis Division – ARES or ~~it~~his or her successor at least 15 days in advance of the effective date of the bond. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the ARES as it appears in the most recent Commission order granting the ARES certification.
- c) In the event that a license or permit bond is modified, the ARES shall file a copy of the modified bond with the Chief Clerk of the Commission and provide a copy of that bond to the ~~Manager of the~~ Financial Analysis Division – ARES or ~~it~~his or her successor at least 15 days in advance of the effective date of the modification. The filing shall include a cover letter titled "Part 451 License or Permit Bond" that explains the purpose of the filing and shall be identified by the name of the ARES as it appears in the most recent Commission order granting the ARES certification.
- d) The requirements of this Section shall apply to neither electric cooperatives nor municipal systems making an election under Section 17-300 of the Act to become an ARES nor to applicants filing under Section 16-115(e) of the Act.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

SUBPART B: ~~EXPEDITED~~ PROCEDURES FOR APPLICANTS SEEKING TO SERVE ONLY NONRESIDENTIAL RETAIL CUSTOMERS WITH MAXIMUM ELECTRICAL DEMANDS OF ONE MEGAWATT OR MORE

Section 451.100 Applicability of Subpart B

EMERGENCY

This Subpart shall apply only to the ~~expedited~~ certification of all alternative retail electric suppliers that seek to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more as required by Section 16-115(f) of the Act [220 ILCS 5/16-

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115(f)] except as noted. The requirements of this Subpart are in addition to the requirements of Subpart A. This Subpart applies to neither electric cooperatives nor municipal systems making an election under Section 17-300 of the Act to become an alternative retail electric supplier ~~nor to applicants filing under Section 16-115(e) of the Act seeking expedited certification to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more.~~

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.110 Financial Qualifications under Subpart B**EMERGENCY**

- a) An applicant shall be deemed to possess sufficient financial capabilities to serve non-residential retail customers with maximum electrical demand of one megawatt or more if the applicant meets any of the following criteria:
 - 1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present the ratings of the applicant.
 - 2) The applicant maintains one or more lines of credit with RTOs and/or unaffiliated wholesale suppliers for electric energy for delivery to the service territories of the utilities for which the applicant is seeking a certificate ~~a borrowing agreement with an affiliate.~~
 - A) ~~The affiliate must have at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor.~~

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AB) The amount of credit available to the applicant under the credit agreements ~~borrowing agreement~~ shall, in aggregate, be no less than the greater of \$500,000 or 5% of the amount of the applicant's revenue for its most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the credit agreements ~~borrowing agreement~~ shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent as follows:-

- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used; or-
- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided; or-
- iii) In the alternative, the applicant's revenue from sales to Illinois retail customers may be used. In such circumstances, the revenue from sales to Illinois retail customers must be provided in the certified financial statements or in internal documents accompanied by a verified statement from a company officer.

BE) The borrowing agreement shall be valid for a period of not less than one year.

CE) The applicant shall provide a copy of the following:

- i) A schedule, with references to each input of the calculation, showing the currently available amount of each line of

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- credit, including all deductions resulting from any covenants or other limitations governing each agreement; The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement;
- ii) The credit agreements~~borrowing agreement;~~
- iii) The applicant's certified financial statements, including the accountant's report, or those of the applicant's parent, as applicable; ~~and~~
- iv) If the applicant's revenue from sales to Illinois retail customers is to be used, the applicant must submit certified financial statements that present this information, or internal documents that present this information and a verified statement from a company officer attesting to the accuracy of those internal documents; and~~The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.~~
- v) A schedule showing the 5% of revenue calculation, with a reference to the applicant's certified financial statements, certified letter from officer of applicant verifying Illinois revenue, or internal documents, as applicable, provided for the revenue input of the calculation.
- 3) The applicant demonstrates and certifies it is a member of one or more RTOs and purchases 100% of its physical electric energy from the RTOs for delivery to the service territories of the utilities for which the applicant is seeking a certificate. The obligations of the applicant to unaffiliated companies arising from the acquisition of electric energy that can be delivered to retail customers in the State of Illinois, for sale, lease or in exchange for other value received, are covered under a guarantee, payment bond, or letter of credit.
- A) The guarantee, payment bond, or letter of credit shall be in an amount that is no less than the greater of \$500,000 or 5% of the amount of the applicant's revenue from the sale of electric energy

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~~for the most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.~~

- ~~i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.~~
- ~~ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.~~

~~B) The guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~

~~C) Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long term credit ratings: BBB or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB or higher from Fitch Ratings or its successor. The guarantee shall obligate the guarantor to make contractually required payment, net of set-offs for any amounts owed to the applicant, to the supplier for services rendered or power supplied in the event the applicant defaults. The applicant shall provide a copy of the following:~~

- ~~i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;~~

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- ~~ii) The guarantee;~~
 - ~~iii) The certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable. If the amount of the guarantee is without dollar limitation, neither the applicant's certified financial statements nor those of the applicant's parent are required.~~
- ~~D) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:~~
- ~~i) The payment bonds;~~
 - ~~ii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iii) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~
- ~~E) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:~~
- ~~i) The letter of credit;~~
 - ~~ii) The ratings agency report that presents the long term obligation rating of the financial institution extending the credit;~~
 - ~~iii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iv) The accountant's report for the certified financial statements of the applicant or those of the applicant's~~

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~~parent, as applicable.~~

~~F) This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers.~~

- 4) The applicant certifies that it will offer to reimburse its Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of the applicant's failure to comply with a contractual obligation to supply ~~that such~~ energy. ~~Any resulting~~The applicant's prospective obligation of the applicant to reimburse Illinois retail customers shall be covered by an unconditional guarantee, payment bond, or letter of credit payable to the incumbent utility in favor of bundled rate customers to be credited through the applicable purchased power rider for each service territory the applicant serves. Any dollar limitation on the unconditional guarantee, payment bond, or letter of credit shall equal not less than the product of 1080 times ~~an estimate of the~~ applicant's expected peak hourly demand expressed in maximum number of megawatts ~~the applicant expects to schedule~~ over the next twelve months times the average of the 45 highest daily market prices of electric energy traded during the previous year. Each January, the Commission shall choose a published price index for electricity for use in this subsection (a)(4). The daily market price of electric energy shall equal the published price index for electricity traded in Illinois, except in the event that no price index for electricity traded in the State of Illinois is published, then the daily market price of electricity shall be determined by the use of a published price index for electricity traded at the nearest location to the State of Illinois. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year. ~~In the alternative, an applicant may elect to calculate its prospective obligation by certifying to the Commission a good faith estimate of the total megawatt hour consumption for the calendar year in which the filing is made. Such estimate shall be a product of multiplying the estimated maximum number of megawatts by 8760 hours, by the estimated average load factor, by one-tenth the per megawatt hour Market Value of Energy Charge established by operation of the Market Value Index (MVI) tariff for the utility service territory in which the customers are served. In making a good faith estimate of the load factor to be used in the calculation, the applicant may rely either on~~

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~~the average load factor of its customers in the prior year or the average load factor for all non-residential customers within the utility service territory or a good faith estimate by the applicant of the prospective load factor of its customers for the applicable period. This option is only available for ARES seeking to serve non-residential customers in service territories that have purchase power option (PPO) MVI tariffs in effect. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~

- A) Unconditional Guarantee. The guarantor shall ~~maintain~~be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;
 - ii) The unconditional guarantee; and
 - iii) A good faith estimate of the ~~applicant's expected peak hourly demand expressed in amount of MWs over the next twelve months~~MW the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.
- B) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois or by a surety whose Best's rating is A- or better and whose Best's financial size category is VII or larger, and whose contract of insurance is issued pursuant to Section 445 or 445a of the Illinois Insurance Code [215 ILCS 5/445 or 445a] and countersigned by the Surplus Line Association of Illinois or its

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successor. The applicant shall provide a copy of the following:

- i) The payment bonds or the contract of insurance with the countersignature of the Surplus Line Association of Illinois or its successor as applicable; ~~and~~
 - ii) Documentation demonstrating that the surety issuing the payment bond is a qualified surety authorized to transact business in the State of Illinois or a surety with a satisfactory Best's rating, as applicable; A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in MWs over the next twelve months.
- C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- i) The letter of credit;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; and
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in MWs over the next twelve months~~peak amount of MW the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.~~

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- 5) The applicant maintains a line of credit or revolving credit agreement.
- A) The line of credit or revolving credit agreement must be from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor.
- B) The amount of the line of credit or revolving credit agreement shall be no less than the greater of \$500,000 or 5% of the amount of revenue for the most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the line of credit or revolving credit ~~borrowing~~ agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.
- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.
- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.
- C) The line of credit or revolving credit agreement shall be valid for a period of not less than one year.
- D) The applicant shall provide a copy of the following:
- i) The line of credit or revolving credit agreement;
- ii) The ratings agency report that presents the long-term

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obligation rating of the financial institution extending the credit;

- iii) The ~~applicant's~~ certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; and
 - iv) A schedule showing the 5% of revenue calculation, with a reference to the applicant's certified financial statements provided for the revenue input of the calculation. The accountant's report for the applicant's financial statements or those of the applicant's parent, as applicable.
- 6) ~~The applicant earns 12 points on the financial ratios set forth in subsection (a)(6)(A):~~
- A) ~~Financial Ratios~~
 - i) ~~Pre Tax Interest Coverage (rounded to the nearest 0.1)~~
 - ~~4.0 or above: 5 points~~
 - ~~3.5 to 3.9: 4 points~~
 - ~~3.0 to 3.4: 3 points~~
 - ~~2.5 to 2.9: 2 points~~
 - ~~2.0 to 2.4: 1 point~~
 - ~~1.9 or below: 0 points~~
 - ii) ~~Funds from Operations Interest Coverage (rounded to the nearest 0.1)~~
 - ~~4.5 or above: 5 points~~
 - ~~4.0 to 4.4: 4 points~~

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~~3.5 to 3.9: 3 points~~

~~3.0 to 3.4: 2 points~~

~~2.5 to 2.9: 1 point~~

~~2.4 or below: 0 points~~

~~iii) Funds from Operations to Total Debt (rounded to the nearest 1%)~~

~~31% or above: 5 points~~

~~26% to 30%: 4 points~~

~~21% to 25%: 3 points~~

~~16% to 20%: 2 points~~

~~11% to 15%: 1 point~~

~~10% or below: 0 points~~

~~iv) Total Debt to Total Capital (rounded to the nearest 1%)~~

~~57% or below: 5 points~~

~~58% to 60%: 4 points~~

~~61% to 63%: 3 points~~

~~64% to 66%: 2 points~~

~~67% to 69%: 1 point~~

~~70% or above: 0 points~~

~~B) The applicant shall provide the following:~~

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- ~~i) The applicant's certified financial statements for its most recently completed fiscal year;~~
 - ~~ii) The accountant's report for the applicant's certified financial statements; and~~
 - ~~iii) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the calculation.~~
- b) An applicant that will provide electric power and energy with property, plant, and equipment that it owns, controls, or operates shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.
- 1) The applicant shall be deemed to have sufficient commercial general liability insurance if that coverage is in the amount of at least \$100,000,000. The commercial general liability insurance must be maintained with insurance companies assigned Best's ratings of A- or better and Best's financial sizes of VII or larger.
 - 2) The applicant shall provide a certificate of insurance as part of its application for certification. If the applicant or ARES renews or makes changes in its insurance coverage, the insurance coverage must be continuous and without interruption. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to a reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.120 Technical Qualifications under Subpart B**EMERGENCY**

- a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess

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sufficient technical capabilities to serve retail customers identified in this Subpart ~~nonresidential retail customers with maximum electrical demand of one megawatt or more~~ if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed. The applicant and whose technical staffs must have at least two individuals on its staff with minimum total four years of previous experience include at least two years operational experience working with an electric generation, transmission or distribution facility that is substantially similar to the facility that the applicant owns, controls or operates in serving customers, and one individual on its staff with at least two years experience buying or selling power and energy in wholesale markets. ~~demonstrated electric sales and at least two years operational experience.~~ In addition, ~~an applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall demonstrate its ability to provide, or that it has arranged to provide, a scheduling facility with 24-hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.~~

- b) Any other applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has at least one individual on its nonresidential retail customers with maximum electrical demand of one megawatt or more if it has staff with 2 years demonstrated electric sales and 2 at least two years experience buying or selling power and energy in wholesale markets ~~operational experience and provides, or has arranged to provide, a scheduling facility with 24-hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.~~
- c) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.140, with the technical experience required under Subpart B. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.130 Managerial Qualifications under Subpart B

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An applicant shall be deemed to possess sufficient managerial capabilities to serve retail customers identified in this Subpart if it has at least one person~~nonresidential retail customers with maximum electrical demands of one megawatt or more if it has one or more management persons in a management position~~ with three or more years of experience ~~in a management position~~ with a business enterprise.

- a) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.140, with the managerial experience required under Subpart B. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section.~~containing occupational background information on the persons or agents who are being used to meet the requirements of this Section.~~
- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicate the position of the persons or agents who are being used to meet the requirements of this Section.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.140 Qualifications of Agents and Contractors under Subpart B**EMERGENCY**

An applicant may meet the requirements of Sections 451.120 and 451.130 by entering into one or more contracts with others to provide the required experience levels~~services~~, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.120 or 451.130 is disclosed in the application;
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

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SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE
NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL
CONSUMPTION GREATER THAN 15,000 kWh**Section 451.200 Applicability of Subpart C****EMERGENCY**

This Subpart shall apply to the certification of all alternative retail electric suppliers that seek to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh. The requirements in this Subpart are in addition to the requirements of Subpart A.

Sections 451.220 through ~~451.260~~~~451.240~~ do not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an alternative retail electric supplier.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.220 Financial Qualifications under Subpart C**EMERGENCY**

- a) An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve only nonresidential retail customers with annual electrical consumption in excess of 15,000 kilowatt hours if it meets any of the following criteria:
 - 1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present the ratings of the applicant.
 - 2) The applicant maintains one or more lines of credit with RTOs and/or unaffiliated wholesale suppliers for electric energy for delivery to the service territories of the utilities for which the applicant is seeking a

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~~certificate a borrowing agreement with an affiliate.~~

~~A) The affiliate must have at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long term credit ratings: BBB or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB or higher from Fitch Ratings or its successor.~~

AB) The amount of credit available to the applicant under the credit agreements~~borrowing agreement~~ shall in aggregate be no less than the greater of \$750,000 or 7.5% of the amount of the applicant's revenue for its most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the credit agreements~~borrowing agreement~~ shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent, as follows:-

- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used; or-
- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided; or-
- iii) In the alternative, the applicant's revenue from sales to Illinois retail customers may be used. In such circumstances, the revenue from sales to Illinois retail customers must be provided in the certified financial

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statements or in internal documents accompanied by a verified statement from a company officer.

BC) The ~~credit agreement~~borrowing agreement shall be valid for a period of not less than one year.

CD) The applicant shall provide a copy of the following:

i) A schedule with references to each input of the calculation, showing the currently available amount of each line of credit, including all deductions resulting from any covenants or other limitations governing each agreement~~The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement;~~

ii) The ~~credit agreements~~borrowing agreement;

iii) The ~~applicant's~~ certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; ~~and~~

iv) If the applicant's revenue from sales to Illinois retail customers is to be used, the applicant must submit certified financial statements that present this information, or internal documents that present this information and a verified statement from a company officer attesting to the accuracy of those internal documents; and~~The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.~~

v) A schedule showing the 7.5% of revenue calculation, with a reference to the applicant's certified financial statements, certified letter from officer of applicant verifying Illinois revenue, or internal documents, as applicable, provided for the revenue input of the calculation.

3) The applicant demonstrates and certifies it is a member of one or more RTOs and purchases 100% of its physical electric energy from the RTOs

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~~for delivery to the service territories of the utilities for which the applicant is seeking a certificate. The obligations of the applicant to unaffiliated companies arising from the acquisition of electric energy that can be delivered to retail customers in the State of Illinois, for sale or lease or in exchange for other value received, are covered under guarantee, payment bond, or letter of credit.~~

- A) ~~The guarantee, payment bond, or letter of credit shall be in an amount that is no less than the greater of \$750,000 or 7.5% of the amount of the applicant's revenue from the sale of electric energy for the most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.~~
- i) ~~If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.~~
- ii) ~~If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.~~
- B) ~~The guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~
- C) ~~Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long term credit ratings: BBB or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors~~

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~~Service or its successor, or BBB or higher from Fitch Ratings or its successor. The guarantee shall obligate the guarantor to make contractually required payment, net of set-offs for any amounts owed to the applicant, to the supplier for services rendered or power supplied in the event the applicant defaults. The applicant shall provide a copy of the following:~~

- ~~i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;~~
 - ~~ii) The guarantee;~~
 - ~~iii) The applicant's certified financial statements or those of the applicant's parent, as applicable, including the accountant's report. If the amount of the guarantee is without dollar limitation, neither the applicant's certified financial statements, nor those of the applicant's parent, are required.~~
- ~~D) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:~~
- ~~i) The payment bonds;~~
 - ~~ii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iii) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~
- ~~E) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:~~
- ~~i) The letter of credit;~~

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- ~~ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;~~
 - ~~iii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iv) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~
- ~~F) This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers.~~
- 4) The applicant certifies that it will offer to reimburse its Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of the applicant's failure to comply with a contractual obligation to supply such energy. ~~Any resulting~~The applicant's prospective obligation of the applicant to reimburse Illinois retail customers shall be covered by an unconditional guarantee, payment bond, or letter of credit payable to the applicant's retail customers in Illinois. Any dollar limitation on the unconditional guarantee, payment bond, or letter of credit shall equal not less than the product of 1080 times ~~an estimate of the maximum number of applicant's expected peak hourly demand expressed in~~ megawatts ~~the applicant expects to schedule~~ over the next twelve months times the average of the 45 highest daily market prices of electric energy traded during the previous year. Each January, the Commission shall choose a published price index for electricity for use in this subsection (a)(4). The daily market price of electric energy shall equal the published price index for electricity traded in Illinois, except in the event that no price index for electricity traded in the State of Illinois is published, then the daily market price of electricity shall be determined by the use of a published price index for electricity traded at the nearest location to the State of Illinois. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year. ~~In the alternative, an applicant may elect to calculate its prospective obligation by certifying to the Commission a good faith estimate of the~~

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~~total megawatt hour consumption for the calendar year in which the filing is made. Such estimate shall be a product of multiplying the estimated maximum number of megawatts by 8760 hours, by the estimated average load factor, by one-tenth the per megawatt hour Market Value of Energy Charge established by operation of the Market Value Index (MVI) tariff for the utility service territory in which the customers are served. In making a good faith estimate of the load factor to be used in the calculation, the applicant may rely either on the average load factor of its customers in the prior year or the average load factor for all non-residential customers within the utility service territory or a good faith estimate by the applicant of the prospective load factor of its customers for the applicable period. This option is only available for ARES seeking to serve non-residential customers in service territories that have purchase power option (PPO) MVI tariffs in effect. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~

- A) Unconditional Guarantee. The guarantor shall ~~maintain~~be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- i) ~~The unconditional guarantee ratings agency reports that present the ratings of the affiliate that is the guarantor;~~
 - ii) The ratings agency reports that present the ratings of the guarantor~~The unconditional guarantee~~; and
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in amount of MW-MWs over the next twelve months~~, the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of~~

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~~its customers during the calendar year.~~

- B) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois or by a surety whose Best's rating is A- or better and whose Best's financial size category is VII or larger, and whose contract of insurance is issued pursuant to Section 445 or 445a of the Illinois Insurance Code and countersigned by the Surplus Line Association of Illinois or its successor. The applicant shall provide a copy of the following:
- i) The payment bonds or the contract of insurance with the countersignature of the Surplus Line Association of Illinois or its successor as applicable; ~~and~~
 - ii) Documentation demonstrating that the surety issuing the payment bond is a qualified surety authorized to transact business in the State of Illinois or a surety with a satisfactory Best's rating, as applicable; and
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in amount of MW-MW's over the next twelve months, the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.
- C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- i) The letter of credit;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; and

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- iii) A good faith estimate of the applicant's expected peak hourly demand expressed in amount of MW-MWs over the next twelve months, ~~the applicant will schedule during the remainder of the current calendar year or, in the alternative, a good faith estimate of the megawatt hour consumption of its customers during the calendar year.~~
- 5) The applicant maintains a line of credit or revolving credit agreement.
- A) The line of credit or revolving credit agreement must be from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor.
- B) The amount of the line of credit or revolving credit agreement shall be no less than the greater of \$750,000 or 7.5% of the amount of the applicant's revenue for the most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the line of credit or revolving credit ~~borrowing~~ agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.
- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.
- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.

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- C) The line of credit or revolving credit agreement shall be valid for a period of not less than one year.
- D) The applicant shall provide a copy of the following:
- i) The line of credit or revolving credit agreement;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;
 - iii) The ~~applicant's~~ certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; and
 - iv) A schedule showing the 7.5% of revenue calculation, with a reference to the applicant's certified financial statements provided for the revenue input of the calculation.~~The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.~~
- 6) ~~The applicant earns 12 points on the financial ratios set forth in subsection (a)(6)(A):~~
- A) ~~Financial Ratios~~
- i) ~~Pre-Tax Interest Coverage (rounded to the nearest 0.1)~~
 - ~~4.4 or above: 5 points~~
 - ~~3.9 to 4.3: 4 points~~
 - ~~3.4 to 3.8: 3 points~~
 - ~~2.9 to 3.3: 2 points~~
 - ~~2.4 to 2.8: 1 point~~
 - ~~2.3 or below: 0 points~~

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ii) ~~Funds from Operations Interest Coverage (rounded to the nearest 0.1)~~

~~4.9 or above: 5 points~~

~~4.4 to 4.8: 4 points~~

~~3.9 to 4.3: 3 points~~

~~3.4 to 3.8: 2 points~~

~~2.9 to 3.3: 1 point~~

~~2.8 or below: 0 points~~

iii) ~~Funds from Operations to Total Debt (rounded to the nearest 1%)~~

~~38% or above: 5 points~~

~~33% to 37%: 4 points~~

~~28% to 32%: 3 points~~

~~23% to 27%: 2 points~~

~~18% to 22%: 1 point~~

~~17% or below: 0 points~~

iv) ~~Total Debt to Total Capitalization (rounded to the nearest 1%)~~

~~50% or below: 5 points~~

~~51% to 53%: 4 points~~

~~54% to 56%: 3 points~~

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~~57% to 59%: 2 points~~

~~60% to 62%: 1 point~~

~~63% or above: 0 points~~

~~B) The applicant shall provide the following:~~

~~i) The applicant's certified financial statements for its most recently completed fiscal year;~~

~~ii) The accountant's report for the applicant's certified financial statements; and~~

~~iii) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the calculation.~~

b) An applicant that does not either meet or qualify for certification under any of the criteria set forth in subsection (a) shall describe its financial resources and explain why those financial resources are sufficient for the goods and services it seeks to provide. If the applicant's financial resources are not sufficient for the services it seeks to provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:

- 1) An explanation of how its supporting documentation demonstrates that its financial resources are sufficient for the goods and services it seeks to provide; and
- 2) The applicant's certified financial statements, or those of its parent if the segment information contained in the parent's financial statements is sufficiently detailed to establish the adequacy of the applicant's financial resources, and accountant's report. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:

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- A) A balance sheet that reflects the applicant's current financial condition and includes a statement of assets, liabilities and owner's equity;
- B) An income statement that reflects the applicant's current earnings. If the applicant has not yet started operations, it shall provide a projected income statement;
- C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
- D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
- E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
- F) A projected budget for the next three fiscal years following the current year; and
- G) If available:
 - i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
 - ii) The most recent federal and state income tax return;
 - iii) General ledgers for the most recent 12 month period available; and
 - iv) The applicant's Dun & Bradstreet Business Information Report.

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- e) ~~An applicant that will provide electric power and energy with property, plant, and equipment that it owns, controls, or operates shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.~~
- 1) ~~The applicant shall be deemed to have sufficient commercial general liability insurance if that coverage is in the amount of at least \$100,000,000. The commercial general liability insurance must be maintained with insurance companies assigned Best's ratings of A or better and Best's financial sizes of VII or larger.~~
 - 2) ~~The applicant shall provide a certificate of insurance as part of its application for certification. If the applicant or ARES renews or makes changes in its insurance coverage, the insurance coverage must be continuous and without interruption. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to a reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission.~~
 - 3) ~~Applicants having commercial general liability insurance coverage in an amount that is less than \$100,000,000 shall explain why that insurance is sufficient for the coverage of losses caused by any act or omission of the applicants or of their employees, contractors, or other agents, in the conduct of the applicants' business. If the applicant's insurance coverage is deemed insufficient or if the documents it supplies do not otherwise establish that the applicant possesses adequate insurance coverage, the Commission shall deny granting a certificate of service authority. With its explanation, the applicant shall describe the factors it considered in establishing the amount of its commercial general liability insurance coverage. In addition, the applicant shall describe the age, capacity, and fuel of the electric power production plant and the amount of its annual revenues and assets and number of employees.~~

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.230 Technical Qualifications under Subpart C

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- a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it maintains at least two technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed. The technical staff must have at least two years of technical operational experience working with an electric generation, transmission or distribution facility that is substantially similar to the facility that the applicant owns, controls or operates in serving customers, and ~~meet~~meets the criteria in subsections (b) and (c) of this Section.
- b) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has at least one individual~~individuals~~ on its staff with ~~demonstrated~~ two years ~~electric sales~~ experience buying and selling power and energy in wholesale markets, and six months of scheduling experience working for an entity that is either a member of PJM or a market participant in the Midwest ISO, or has a system operator certificate from NERC, or has earned Certified Energy Procurement Professional status by the Association of Energy Engineers or equivalent certification, ~~two years electric system operational experience, three months experience with OASIS reservation processes, three months experience with NERC or its successor tagging processes, and one years experience working with rules and practices established by NERC and MAIN and/or MAPP or their successors and provides, or has arranged to provide, the following:~~
- 1) ~~A scheduling facility with 24 hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and~~
 - 2) ~~The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message taking procedure does not satisfy this requirement.~~
- c) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number and address where its staff can be directly reached at all times. Maintenance of an answering service or machine,

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pager or similar message-taking procedure does not satisfy this requirement.

- de) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.250, with the technical experience required under this Subpart C. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section.~~containing occupational background information on the persons who are being used to meet the requirements of this Section.~~
- ed) In the event the applicant does not meet length of experience qualifications set forth in this Section, the applicant shall demonstrate the extent its technical resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as it deems~~deemed~~ necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.240 Managerial Qualifications under Subpart C**EMERGENCY**

An applicant shall be deemed to possess sufficient managerial capabilities to serve customers identified in this Subpart if it has at least one person in a management position with four or more years ~~demonstrated~~ experience ~~in a management position~~ with enterprise financial and administration responsibilities including profit and loss responsibilities and provides the information required in subsections (a) and (b) of this Section.

- a) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.250, with the managerial experience required under this Subpart C. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section.~~containing occupational background information on the persons who are being used to meet the requirements of this Section.~~

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- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of the persons or agents who are being used to meet the requirements indicated in subsection (a) of this Section.
- c) In the event the applicant does not meet the managerial qualifications set forth in this Section above, the applicant shall demonstrate the extent its managerial resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.250 Qualifications of Agents and Contractors under Subpart C**EMERGENCY**

An applicant may meet the requirements of Sections 451.230 and 451.240 by entering into one or more contracts with others to provide the required experience level services, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.230 or 451.240 is disclosed in the application; and
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

**SUBPART D: PROCEDURES FOR APPLICANTS SEEKING
TO SERVE ALL RETAIL CUSTOMERS****Section 451.300 Applicability of Subpart D****EMERGENCY**

Subpart D shall apply to applicants who seek to serve all retail customers. The requirements of

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this Subpart are in addition to the requirements of Subpart A. Sections 451.320 through 451.~~360~~~~340~~ do not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an alternative retail electric supplier.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.310 General Provisions of Subpart D**EMERGENCY**

- a) Applicant shall certify compliance with all terms and conditions required by Section 16-115A(c) of the Act [220 ILCS 5/16-115A(c)].
- b) An applicant that seeks to serve customers within a geographic area that is smaller than an electric utility's service area shall demonstrate that the designation of this smaller area does not violate any part of Section 16-115A of the Act [220 ILCS 5/16-115A]. Applicant shall state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be served and certify that it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income nor deny service to a customer or group of customers based on locality nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities.
- c) The applicant shall certify that it will comply with the following requirements with respect to the marketing, offering and provision of products or services to residential and small commercial retail customers:
 - 1) Any marketing materials that make statements concerning prices, terms and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services that the alternative retail electric supplier is offering or selling to the customer.
 - 2) Before any customer is switched from another supplier, the alternative retail electric supplier shall give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer.

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- 3) An alternative retail electric supplier shall provide documentation to the Commission and to customers that substantiates any claims made by the alternative retail electric supplier regarding the technologies and fuel types used to generate the electricity offered or sold to customers.
- 4) The alternative retail electric supplier shall provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices; and shall provide an additional statement, at least annually, that adequately discloses the average monthly prices; and the terms and conditions; of the products and services sold to the customer.
- d) The applicant shall certify that it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all initial mailings to potential residential and small commercial retail customers and before executing any agreements or contracts with such customers.
- e) The applicant shall certify that it will provide consumer education program materials (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) at no charge to residential and small commercial retail customers upon request.
- f) The applicant shall certify that it will provide to residential and small commercial retail customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act [220 ILCS 5/10-108]) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act).

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.320 Financial Qualifications under Subpart D**EMERGENCY**

- a) An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve all retail customers if it meets any of the following criteria:
 - 1) The applicant maintains at least one of the following commercial paper

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ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present the ratings of the applicant.

- 2) The applicant maintains one or more lines of credit with RTOs and/or unaffiliated wholesale suppliers for electric energy for delivery to the service territories of the utilities for which the applicant is seeking a certificate~~a borrowing agreement with an affiliate.~~
- A) ~~The affiliate must have at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor.~~
- AB) The amount of credit available to the applicant under the credit agreements~~borrowing agreement~~ shall in aggregate be no less than the greater of \$1,000,000 or 10% of the amount of the applicant's revenue for its most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the credit agreements~~borrowing agreement~~ shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.
- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used;

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or-

- ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided; or-

iii) In the alternative, the applicant's revenue from sales to Illinois retail customers may be used. In such circumstances, the revenue from sales to Illinois retail customers must be provided in the certified financial statements or in internal documents accompanied by a verified statement from a company officer.

BE) The ~~credit agreements~~borrowing agreement shall be valid for a period of not less than one year.

CD) The applicant shall provide a copy of the following:

- i) A schedule, with references to each input of the calculation, showing the currently available amount of each line of credit, including all deductions resulting from any covenants or other limitations governing each agreement; The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement;
- ii) The ~~credit agreements~~borrowing agreement;
- iii) The ~~applicant's~~ certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; ~~and~~
- iv) If the applicant's revenue from sales to Illinois retail customers is to be used, the applicant must submit certified financial statements that present this information, or internal documents that present this information and a verified statement from a company officer attesting to the

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~~accuracy of those internal documents; and The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.~~

- v) A schedule showing the calculation of 5% of revenue with a reference to the applicant's certified financial statements or internal documents, as applicable, provided for the revenue input of the calculation.

- 3) The applicant demonstrates and certifies it is a member of one or more RTOs and purchases 100% of its physical electric energy from the RTOs for delivery to the service territories of the utilities for which the applicant is seeking a certificate. The obligations of the applicant to unaffiliated companies arising from the acquisition of electric energy that can be delivered to retail customers in the State of Illinois, for sale or lease or in exchange for other value received, are covered under a guarantee, payment bond, or letter of credit.

- A) ~~The guarantee, payment bond, or letter of credit shall be in an amount that is no less than the greater of \$1,000,000 or 10% of the amount of the applicant's revenue from the sale of electric energy for the most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.~~

- i) ~~If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.~~
- ii) ~~If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.~~

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- ~~B) The guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.~~
- ~~C) Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The guarantee shall obligate the guarantor to make contractually required payment, net of set-offs for any amounts owed to the applicant, to the supplier for services rendered or power supplied in the event the applicant defaults. The applicant shall provide a copy of the following:~~
- ~~i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;~~
 - ~~ii) The guarantee;~~
 - ~~iii) The applicant's certified financial statements or those of the applicant's parent, as applicable, including the accountant's report. If the amount of the guarantee is without dollar limitation, neither the applicant's certified financial statements nor those of the applicant's parent are required.~~
- ~~D) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:~~
- ~~i) The payment bonds;~~
 - ~~ii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iii) The accountant's report for the certified financial statements of the applicant or those of the applicant's~~

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~~parent, as applicable.~~

- E) ~~Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:~~
- ~~i) The letter of credit;~~
 - ~~ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;~~
 - ~~iii) The certified financial statements of the applicant or those of the applicant's parent, as applicable; and~~
 - ~~iv) The accountant's report for the certified financial statements of the applicant or those of the applicant's parent, as applicable.~~
- F) ~~This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers.~~

- 4) The applicant certifies that it will offer to reimburse its Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of the applicant's failure to comply with a contractual obligation to supply such energy. ~~Any resulting The applicant's prospective obligation of the applicant~~ to reimburse Illinois retail customers shall be covered by an unconditional guarantee, payment bond, or letter of credit ~~payable to its Illinois retail customers~~. Any dollar limitation on the unconditional guarantee, payment bond, or letter of credit shall equal not less than the product of 1080 times ~~an estimate of the applicant's expected peak hourly demand expressed in MWs maximum number of MW the applicant expects to schedule~~ over the next twelve months times the average of the 45 highest daily market prices of electric

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energy traded during the previous year. Each January, the Commission shall choose a published price index for electricity for use in this subsection (a)(4). The daily market price of electric energy shall equal the published price index for electricity traded in Illinois, except in the event that no price index for electricity traded in the State of Illinois is published, then the daily market price of electricity shall be determined by the use of a published price index for electricity traded at the nearest location to the State of Illinois. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.

- A) Unconditional Guarantee. The guarantor shall ~~maintain~~~~be an affiliate of the applicant that maintains~~ at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- i) ~~The unconditional guarantee; The ratings agency reports that present the ratings of the affiliate that is the guarantor;~~
 - ii) ~~The ratings agency reports that~~ present the ratings of the guarantor~~The unconditional guarantee;~~ and
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in MWs over the next twelve months.~~peak amount of MW the applicant will schedule during the remainder of the current calendar year.~~
- B) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois or by a surety whose Best's rating is A- or better, ~~and~~ whose Best's financial size category is VII or larger, and whose contract of insurance is issued pursuant to Section 445 or 445a of the Illinois Insurance Code and countersigned by the Surplus Line Association of Illinois or its successor. The applicant

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shall provide a copy of the following:

- i) The payment bonds or the contract of insurance with the countersignature of the Surplus Line Association of Illinois or its successor as applicable; ~~and~~
 - ii) Documentation demonstrating that the surety issuing the payment bond is a qualified surety authorized to transact business in the State of Illinois or a surety with a satisfactory Best's rating, as applicable; and
 - iii) A good faith estimate of the applicant's expected peak amount of MW the applicant will schedule during the remainder of the current calendar year.
- C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the following:
- i) The letter of credit;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; and
 - iii) A good faith estimate of the applicant's expected peak hourly demand expressed in MWs over the next twelve months.~~amount of MW the applicant will schedule during the remainder of the current calendar year.~~
- 5) The applicant maintains a line of credit or revolving credit agreement.
- A) The line of credit or revolving credit agreement must be from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from

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Fitch Ratings or its successor.

- B) The amount of the line of credit or revolving credit agreement shall be no less than the greater of \$1,000,000 or 10% of the amount of the applicant's revenue for the most recently completed 12-month fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the minimum required amount of credit available under the line of credit or revolving credit agreement~~borrowing agreement~~ shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.
- i) If the applicant is listed separately in the segment information section, the applicant's revenue shall be used.
 - ii) If the segment information section is broken down by operation, or other means, the revenue for the entire segment of which the applicant is part shall be used, unless a certified breakdown of the segment by company is provided.
- C) The line of credit or revolving credit agreement shall be valid for a period of not less than one year.
- D) The applicant shall provide a copy of the following:
- i) The line of credit or revolving credit agreement;
 - ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;
 - iii) The applicant's certified financial statements, including the accountant's report, of the applicant or those of the applicant's parent, as applicable; and

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- iv) ~~A schedule showing the 10% of revenue calculation, with a reference to the applicant's certified financial statements provided for the revenue input of the calculation. The accountant's report for the applicant's certified financial statements or those of the applicant's parent, as applicable.~~
- 6) ~~The applicant earns 12 points on the financial ratios set forth in subsection (a)(6)(A):~~
 - A) ~~Financial Ratios~~
 - i) ~~Pre-Tax Interest Coverage (rounded to the nearest 0.1)~~
 - ~~4.9 or above: 5 points~~
 - ~~4.4 to 4.8: 4 points~~
 - ~~3.9 to 4.3: 3 points~~
 - ~~3.4 to 3.8: 2 points~~
 - ~~2.9 to 3.3: 1 point~~
 - ~~2.8 or below: 0 points~~
 - ii) ~~Funds from Operations Interest Coverage (rounded to the nearest 0.1)~~
 - ~~5.4 or above: 5 points~~
 - ~~4.9 to 5.3: 4 points~~
 - ~~4.4 to 4.8: 3 points~~
 - ~~3.9 to 4.3: 2 points~~
 - ~~3.4 to 3.8: 1 point~~

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~~3.3 or below: 0 points~~

- iii) ~~Funds from Operations to Total Debt (rounded to the nearest 1%)~~

~~45% or above: 5 points~~

~~40% to 44%: 4 points~~

~~35% to 39%: 3 points~~

~~30% to 34%: 2 points~~

~~25% to 29%: 1 point~~

~~24% or below: 0 points~~

- iv) ~~Total Debt to Total Capitalization (rounded to the nearest 1%)~~

~~41% or below: 5 points~~

~~42% to 44%: 4 points~~

~~45% to 47%: 3 points~~

~~48% to 50%: 2 points~~

~~51% to 53%: 1 point~~

~~54% or above: 0 points~~

- B) ~~The applicant shall provide the following:~~

- i) ~~The applicant's certified financial statements for its most recently completed fiscal year;~~
- ii) ~~The accountant's report for the applicant's certified financial statements; and~~

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~~iii) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the calculation.~~

- b) An applicant that does not either meet or qualify for certification under any of the criteria set forth in subsection (a) shall describe its financial resources and explain why those financial resources are sufficient for the goods and services it seeks to provide. If the applicant's financial resources are not sufficient for the services it seeks to provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:
- 1) An explanation of how its supporting documentation demonstrates that its financial resources are sufficient for the goods and services it seeks to provide; and
 - 2) The applicant's certified financial statements, or those of its parent if the segment information contained in the parent's financial statements is sufficiently detailed to establish the adequacy of the applicant's financial resources, and accountant's report. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:
 - A) A balance sheet that reflects the applicant's current financial condition and includes a statement of assets, liabilities and owner's equity;
 - B) An income statement that reflects the applicant's current earnings. If the applicant has not yet started operations, it shall provide a projected income statement;
 - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
 - D) A listing of any entities with which the applicant expects to enter

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into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;

- E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - F) A projected budget for the next three fiscal years following the current year; and
 - G) If available:
 - i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
 - ii) The most recent federal and state income tax return;
 - iii) General ledgers for the most recent 12 month period available; and
 - iv) The applicant's Dun & Bradstreet Business Information Report.
- e) ~~An applicant that will provide electric power and energy with property, plant, and equipment that it owns, controls, or operates shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.~~
- 1) ~~The applicant shall be deemed to have sufficient commercial general liability insurance if that coverage is in the amount of at least \$100,000,000. The commercial general liability insurance must be maintained with insurance companies assigned Best's ratings of A or better and Best's financial sizes of VII or larger.~~
 - 2) ~~The applicant shall provide a certificate of insurance as part of its application for certification. If the applicant or ARES renews or makes changes in its insurance coverage, the insurance coverage must be~~

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~~continuous and without interruption. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to a reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission.~~

- 3) ~~Applicants having commercial general liability insurance coverage in an amount that is less than \$100,000,000 shall explain why that insurance is sufficient for the coverage of losses caused by any act or omission of the applicants or of their employees, contractors, or other agents, in the conduct of the applicants' business. If the applicant's insurance coverage is deemed insufficient or if the documents it supplies do not otherwise establish that the applicant possesses adequate insurance coverage, the Commission shall deny granting a certificate of service authority. With its explanation, the applicant shall describe the factors it considered in establishing the amount of its commercial general liability insurance coverage. In addition, the applicant shall describe the age, capacity, and fuel of electric power production plant and the amount of its annual revenues and assets and number of employees.~~

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.330 Technical Qualifications under Subpart D**EMERGENCY**

- a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it maintains at least two technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed. The technical staff must have at least two years of technical operational experience in an electric generation, transmission or distribution facility substantially similar to the facility that the applicant owns, controls or operates in serving customers, and meets the criteria in subsections (b) and (c) of this Section.
- b) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has at least one

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~~individual~~individuals on its staff with ~~at least demonstrated~~ four years ~~electric sales~~ experience; ~~buying and selling power and energy in wholesale markets and one year of scheduling experience working for an entity that is either a member of PJM or a market participant in the Midwest ISO, or has a system operator certificate from NERC, or has earned Certified Energy Procurement Professional status by the Association of Energy Engineers or equivalent certification.~~ ~~four~~ years ~~electric system operational experience, six months experience with OASIS reservation processes, six months experience with NERC tagging processes, and two years experience working with rules and practices established by NERC and MAIN and/or MAPP and provides, or has arranged to provide, the following:~~

- ~~1)~~ A scheduling facility with 24-hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and
 - ~~2)~~ The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.
- ~~c)~~ The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager or similar message-taking procedure does not satisfy this requirement.
- ~~d)~~e) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.350, with the technical experience required under this Subpart D. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section.~~containing occupational background information on the persons who are being used to meet the requirements of this Section.~~
- ~~e)~~d) In the event the applicant does not meet length of experience qualifications set forth ~~in this Section~~above, the applicant shall demonstrate the extent its technical resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed

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necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.340 Managerial Qualifications under Subpart D**EMERGENCY**

An applicant shall be deemed to possess sufficient managerial capabilities to serve retail customers identified in this Subpart if it has three or more individuals in management positions with four or more years ~~demonstrated~~ experience ~~in a management position~~ with enterprise financial and administration responsibilities including profit and loss responsibilities, four years ~~electric sales~~ experience buying and selling power and energy in wholesale markets, and four years electric system operational experience and provides the information required in subsections (a) and (b) of this Section.

- a) The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.350, with the managerial experience required under this Subpart D. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section. containing occupational background information on the persons who are being used to meet the requirements of this Section.
- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of the persons or agents who are being used to meet the requirements indicated in subsection (a) of this Section.
- c) In the event the applicant does not meet the managerial qualifications set forth in this Section ~~above~~, the applicant shall demonstrate the extent its managerial resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.350 Qualifications of Agents and Contractors under Subpart D**EMERGENCY**

An applicant may meet the requirements of Sections 451.330 and 451.340 by entering into one or more contracts with others to provide the required experience level~~services~~, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.330 or 451.340 is disclosed in the application;
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS**Section 451.400 Applicability of Subpart E****EMERGENCY**

This Subpart shall apply to a retail customer that seeks certification as an ARES ~~only~~ to provide electric power and energy exclusively to ~~the applicant~~-itself (i.e., the applicant), and to subsidiaries or other corporate affiliates of the applicant that are retail customers, at separate locations, ~~if the customers are both owned by, or are subsidiaries or other corporate affiliates of, the applicant and are eligible for delivery services~~. This includes, but is not limited to, applicants seeking certification pursuant to Section 16-115(e) of the Act.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.410 Required Filings and Procedures under Subpart E**EMERGENCY**

- a) The applicant shall publish, as provided by the Notice of Publication Act [715

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~~ILCS 51~~, notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant ~~shall will~~ file proof of publication with the Clerk of the Commission ~~within five days following publication, when notice publication has been accomplished.~~

- b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- c) The applicant shall ~~provide~~verify the following:
- 1) Applicant's name, street address and phone number.
 - 2) Description and location of cogeneration or self-generation ~~facilities within the State of Illinois~~facility that applicant owns, if any.
 - 3) Description(s) and location(s) of retail customers to be serviced by applicant and shall provide ~~a description of the relationship between applicant and retail customers.~~
 - A) ~~Description of relationship between applicant and retail customers;~~
and
 - B) ~~Verification that the retail customers are eligible for delivery service.~~
- d) The applicant shall verify that it has entered into an agreement with the relevant electric utilities pursuant to Section 16-118.
- e) The applicant shall comply with the requirements of Section 451.20(a).
- f) Contents of documents shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200: Subpart B).

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.420 Technical Qualifications under Subpart E

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- a) Applicant shall be deemed to possess sufficient technical capabilities to serve nonresidential retail customers under this Subpart if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed.
- ~~b) Applicant provides, or has arranged to provide, a scheduling facility with 24 hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.~~
- ~~b)e)~~ The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.
- ~~c)d)~~ The applicant shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.430, with the technical experience required under this Subpart E. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and duration of the duties being used to meet each experience requirement of this Section. ~~containing occupational background information on the persons or agents who are being used to meet the requirements of this Section.~~

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.430 Qualifications of Agents and Contractors under Subpart E**EMERGENCY**

An applicant may meet the requirements of Section 451.420 by entering into one or more contracts with others to provide the required ~~experience levels~~ ~~services~~, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.420 is disclosed in the application; and
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the

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respective agent or contractor.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

SUBPART F: FINANCIAL QUALIFICATIONS FOR
THE PROVISION OF SINGLE-BILLING SERVICE**Section 451.510 Financial Qualifications under Subpart F****EMERGENCY**

An applicant may request authorization from the Commission to provide single billing services at the time it seeks certification as an ARES or at any time thereafter. However, under no circumstances may an ARES provide single billing services without authorization from the Commission. An applicant that seeks to provide single billing services shall demonstrate an ability to establish and maintain sufficient financial resources to satisfy the obligation to remit to utilities monies that the ARES collects under single billing tariffs adopted pursuant to Section 16-118(b) of the Act [220 ILCS 5/16-118(b)]. The applicant for single billing services may demonstrate this credit worthiness in one of four ways:

- a) The applicant may undertake to post and maintain a bond or bonds issued by a qualifying surety or financial institution chartered by the United States or the State of Illinois in favor of any Illinois utility in whose service territory the applicant will serve retail customers. The bond or bonds shall be in an amount equal to 15% of a good faith estimate of the total amount that the applicant expects to be obliged to pay to the utility under single billing tariffs adopted pursuant to Section 16-118(b) of the Act during the next twelve months. The applicant shall provide a copy of the bonding agreement(s) and the bond(s) to the Commission with the application to provide single billing service. The bond(s) shall be conditioned on the full and timely payment of all amounts due to the utility in accordance with the terms specified in the single billing tariffs and shall be valid for a period of not less than one year.
- b) The applicant may deliver an irrevocable letter of credit issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, or A- or higher from Fitch Ratings or its successor in the same amount and in favor of the same parties as the bond that would otherwise be required. The letter of credit shall provide that a draft will be honored in accordance with

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the terms specified in the single billing tariffs. The letter of credit shall be valid for a period of not less than one year. The applicant shall provide a copy of the letter of credit and the ratings agency reports that present the long-term obligation ratings of the issuer of the letter of credit to the Commission with the application to provide single billing service.

- c) The applicant maintains at least 2 of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least two of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The applicant shall provide a copy of the ratings agency reports that present applicant's ratings to the Commission with its application to provide single billing service.
- d) All obligations of the applicant to Illinois utilities are unconditionally guaranteed by ~~a counterparty an affiliate of the applicant~~ that maintains at least two of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, or F-2 or higher from Fitch Ratings or its successor; or at least two of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, or BBB- or higher from Fitch Ratings or its successor. The unconditional guarantee shall be valid for a period of not less than one year. The applicant shall provide a copy of the ratings agency reports that presents these ratings of the affiliate and a copy of the guarantee to the Commission with its application.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

SUBPART H: PROCEDURES FOR REPORTING CONTINUING
COMPLIANCE WITH CERTIFICATION REQUIREMENTS

Section 451.710 General Provisions

EMERGENCY

- a) All ARES shall, at all times, continue to remain in compliance with the provisions of the Act and this Part, as now or hereafter amended. If an ARES received a

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certificate before the effective date of any provision of this Part, which provision applies to applicants seeking certification to serve customers with the same electrical demand or usage characteristics as the ARES, the ARES must demonstrate that it has come into compliance with such provision no later than ~~April 30~~January 31 of the year following the year during which such amendment took effect.

- b) No later than April 30 of each year, each ARES shall file all~~all~~ reports required under this Subpart. Reports shall be under oath, contain a cover letter title "Part 451 Continuing Compliance" and shall be filed with the Chief Clerk of the Commission with copies provided to the ~~Manager of the~~ Energy Division – ~~ARES~~ and the ~~Manager of the~~ Financial Analysis Division – ~~ARES~~ or their successors. The reports shall be identified with the name of the ARES as it appears in the most recent Commission order granting the ARES certification, as well as any post-certification name changes.
- c) For each supporting piece of documentation the ARES provides, it shall specifically state how such information complies with each applicable subsection of this Part 451.
- d) All reports shall provide the name, telephone number, email address and mailing address of at least one person to address questions from Commission Staff pertaining to that report.
- e)e) All reports made to the Commission by any ARES, other than ARES certified under Subpart E of this Part, and the contents of the reports~~thereof~~ shall be open to public inspection, unless otherwise ordered by the Commission. ~~The~~Such reports shall be preserved in the office of the Commission.
- f) Any ARES acquiring customers from another ARES shall report any such purchase or transfer of customer accounts no later than 30 days prior to the execution of the transaction. Any ARES receiving customer accounts from another ARES shall be responsible to demonstrate its ability to meet the applicable financial, managerial and technical requirements.
- g) The compliance filing shall include the applicant's name and street address and the names and addresses of all the ARES's affiliated companies involved in electric retail sales or purchases in North America.

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(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.740 Financial Reporting Requirements**EMERGENCY**

The ARES shall provide a copy of only those documents that the ARES requires to demonstrate that it continues to possess sufficient financial resources to serve the retail customers for which it has received a certificate of service authority. The applicable documents shall be submitted at the times specified below:

- a) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(1), (a)(~~3~~), (a)(3)(C) or, ~~(a)(3)(E)~~, (a)(4)(~~A~~), ~~(a)(4)(C)~~, or ~~(a)(5)~~ of Section 451.110, 451.220; or 451.320 or Section 451.510(b), (c) or (d) shall submit a copy of the latest ratings report presenting the commercial paper or long-term credit or obligation ratings of the ARES, creditors, ~~affiliates~~, or guarantors, as applicable, from the ratings agencies between ~~April~~ January 1 and ~~April 30~~ January 31 of each year and within 15 days following any downgrade of such ratings previously filed with the Commission to a rating below A-1 or A-, if issued from Standard & Poor's or its successor, P-1 or A3, if issued from Moody's Investors Service or its successor, or F-1 or A-, if issued from Fitch Ratings or its successor. Within 30 days after a downgrade of the commercial paper or long-term credit or obligation ratings of the ARES or its creditors, affiliates, or guarantors, as applicable, to a level below the minimum required under this Part, the ARES shall submit a report that identifies the subsection under which the ARES is seeking to demonstrate that its financial resources remain sufficient for providing the services for which it has received a certificate of service authority and includes the information and documents that subsection requires.
- b) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(2), (a)(3) or (a)(4) or ~~(a)(5)~~ of Section 451.110, 451.220; or 451.320 or Section 451.510(a) or (b) shall submit a copy of any modified, replacement or additional ~~credit~~ borrowing agreements; ~~unconditional guarantees~~; ~~lines of credit~~; ~~revolving credit agreements~~; ~~payment bonds~~; and letters of credit, as applicable. This documentation; shall be submitted at least 15 days in advance of any modification, cancellation or

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expiration of the financial agreements.

- c) Between ~~April~~January 1 and ~~April 30~~January 31 of each year, an ARES that seeks to use the criteria specified in ~~subsection (a)(3) of~~ Section 451.110~~(a)(4)~~, 451.220~~(a)(4)~~, or 451.320~~(a)(4)~~ to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority shall provide the peak amount of MW scheduled during the previous calendar year and the date on which that amount was scheduled. If the ARES has been serving Illinois retail customers for less than 12 months, then the ARES shall also provide an estimate of the maximum amount of MW it will schedule during the current calendar year.
- d) Between ~~April~~January 1 and ~~April 30~~January 31 of each year, an ARES that seeks to demonstrate that it maintains sufficient financial resources to provide single billing services under Section 451.510(a) or (b) shall submit an updated good faith estimate of the amount the ARES expects to be obligated to remit to the utility under single billing tariffs adopted pursuant to Section 16-118(b) of the Act between ~~April~~January 1 and ~~April 30~~January 31 of each year.
- e) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(2), ~~(a)(3), (a)(5)~~, or (a)(46) of Section 451.110, 451.220, or 451.320 shall submit a copy of its certified financial statements, or those of its parent, and accountant's report, as applicable, within 120 days after the close of its fiscal year.
- f) An ARES that seeks to maintain its certificate of service authority under Section 451.220(b) or 451.320(b) shall submit an updated version of the annual financial statements and accountant's report, if available, within 120 days after the close of its fiscal year.
- g) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(2) of Section 451.110, 451.220 or 451.320 shall provide a copy of the security or agreement that was provided and approved by the RTO used to serve as collateral for the energy the applicant procures from generation asset owners directly through the RTO, including any updates, revisions or modifications that may occur, within 15 days after filing the document with the RTO. Using the alternative method, the applicant's revenue

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from sales to Illinois retail customers may be used. In such circumstances, the revenue from sales to Illinois retail customers must be provided in the certified financial statements or in internal documents accompanied by a verified statement from a company officer.

- h) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(3) of Section 451.110, 451.220 or 451.320 shall demonstrate and certify it is a member of one or more RTOs and purchases 100% of its physical electric energy from the RTOs for delivery to the service territories of the utilities for which the applicant is seeking a certificate.
- i) Each ARES is required to certify that the most recent copy of its license or permit bond on file with the Commission is current and in full effect. In the event the original license or permit bond on file with the Commission is replaced or modified, the ARES shall submit the new original license or permit bond pursuant to Section 451.50.
- j)g) Insurance. Between ~~April~~January 1 and ~~April 30~~January 31 of each year, an ARES required to have in force commercial general liability insurance pursuant to Sections 451.110(b), 451.220(c), or 451.320(c) shall submit proof of that insurance in an amount not less than that in force when the ARES was granted its certificate of service authority. In addition, the ARES shall demonstrate that its commercial general liability insurance is effective for a period of not less than one year.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.750 Managerial Reporting Requirements**EMERGENCY**

- a) An ARES shall certify during ~~April~~January of each year that it continues to maintain the required managerial qualifications for the service authority granted in its certificate. An ARES that meets the managerial qualifications requirements by entering into one or more contracts with others to provide the required services must identify each agent or contractor on whom the ARES relies to meet the requirements of this Part and must certify that the agent or contractor will comply with all Sections of this Part applicable to the function or functions to be

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performed by the respective agent or contractor.

- b) Any changes in personnel, agents or contractors in the past calendar year that were used to meet the managerial qualifications shall be addressed in the annual compliance filing by providing evidence showing how the ARES is continuing to meet the managerial qualifications.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.760 Technical Reporting Requirements**EMERGENCY**

- a) An ARES shall certify during January of each year that it continues to maintain the required technical qualifications for the service authority granted in its certificate. An ARES that meets the technical qualifications requirements by entering into one or more contracts with others to provide the required services must identify each agent or contractor on whom the ARES relies to meet the requirements of this Part and must certify that the agent or contractor will comply with all Sections of this Part applicable to the function or functions to be performed by the respective agent or contractor.
- b) Any changes in personnel, agents or contractors in the past calendar year that were used to meet the technical qualifications shall be addressed in the annual compliance filing by providing evidence showing how the ARES is continuing to meet the technical qualifications.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

Section 451.770 Kilowatt-hour Reporting Requirement**EMERGENCY**

No later than March 1 of every year, each ARES shall file with the Chief Clerk of the Commission, and provide to the Energy Division – ARES and the Financial Analysis Division – ARES or their successors~~its successor~~, a report stating the total annual kilowatt-hours delivered and sold to retail customers within each utility service territory and the total annual kilowatts-hours delivered and sold to retail customers in all utility service territories in the preceding calendar year.

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NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 3040, effective February 19, 2010, for a maximum of 150 days)

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- 1) Heading of the Part: Renewable Portfolio Standard and Clean Coal Standard for Alternative Retail Electric Suppliers and Utilities Operating Outside Their Service Areas
- 2) Code Citation: 83 Ill. Adm. Code 455
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
455.10	New Section
455.20	New Section
455.30	New Section
455.100	New Section
455.110	New Section
455.120	New Section
455.130	New Section
455.140	New Section
455.150	New Section
455.200	New Section
455.210	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 16-115 and 16-115D of the Public Utilities Act [220 ILCS 5/16-115 and 16-115D]
- 5) Effective Date of Rulemaking: February 19, 2010
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency rule will expire at the end of 150 days, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: February 18, 2010
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Commission's office in Springfield and is available for public inspection.
- 9) Reason for Emergency: Pursuant to Public Acts 95-1027, 96-33, and 96-159, the State of Illinois' renewable portfolio standard and clean coal standard apply to alternative retail electric suppliers ("ARES") and electric utilities operating outside their service territories. Section 16-115D(e) of the Public Utilities Act provides that by September 1 of each year starting September 1, 2010 ARES shall file a report certifying compliance with Section 16-115D in a format to be specified by the Commission by December 31, 2009. The complexity of the issues inherent in this subject and the effort to fully involve the

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regulated industry precluded compliance with that date. However, in an effort to implement Section 16-115D as soon as possible, Part 455 is adopted on an emergency basis to comply with this directive.

- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes various requirements and procedures for ARES and electric utilities operating outside their service territories relative to the renewable portfolio standard and clean coal standard. General provisions are contained in Subpart A, provisions regarding the renewable portfolio standard are contained in Subpart B, and provisions regarding the clean coal standard are contained in Subpart C.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This emergency rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Phone: 217/785-3922
Fax: 217/524-9280

The full text of the Emergency Rules appears on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 455

RENEWABLE PORTFOLIO STANDARD AND CLEAN COAL
STANDARD FOR ALTERNATIVE RETAIL ELECTRIC SUPPLIERS
AND UTILITIES OPERATING OUTSIDE THEIR SERVICE AREAS

SUBPART A: GENERAL PROVISIONS

Section

455.10 Definitions and Incorporations

EMERGENCY

455.20 Record Retention, Additional Documentation, and Confidential Information

EMERGENCY

455.30 Waivers

EMERGENCY

SUBPART B: RENEWABLE PORTFOLIO STANDARD REQUIREMENTS

Section

455.100 Applicability of Subpart B

EMERGENCY

455.110 Obligation to Procure Renewable Energy Resources

EMERGENCY

455.120 Annual Report of Compliance with Renewable Energy Portfolio Standard

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455.130 Alternative Compliance Payment Requirements

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455.140 Procedures for Section 16-115D(h) Determination Based on the Operation of
Combined Heat and Power Systems

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SUBPART C: COMPLIANCE WITH CLEAN COAL STANDARD REQUIREMENTS

Section

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455.200 Applicability of Subpart C

EMERGENCY

455.210 Reporting of Compliance with Clean Coal Standard

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 16-115 and 16-115D of the Public Utilities Act [220 ILCS 5/16-115 and 16-115D].

SOURCE: Emergency rules adopted at 34 Ill. Reg. 3115, effective February 19, 2010, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 455.10 Definitions and Incorporations

EMERGENCY

The following terms as used in this Part shall have the following meanings:

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" has the same meaning as in Section 16-102 of the Act [220 ILCS 5/16-102].

"Clean coal facility" has the same meaning as in Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855/1-10].

"Clean coal standard" means the various requirements imposed by Sections 16-115(d)(5) and 16-116(c) of the Act [220 ILCS 5/16-115(d)(5) and 16-116(c)] on ARES and electric utilities serving retail customers outside their service areas to source electricity from clean coal facilities.

"Commission" means the Illinois Commerce Commission.

"Compliance period" or "compliance year" means each 12-month period beginning June 1 and ending May 31, commencing June 1, 2009, and the comparable 12-month period in each succeeding year.

"Delivery services" has the same meaning as in Section 16-102 of the Act [220 ILCS 5/16-102].

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"Electric cooperative" has the same meaning as in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4].

"IPA Act" means the Illinois Power Agency Act [20 ILCS 3855].

"M-RETS" means the Midwest Renewable Energy Tracking System.

"Municipal system" means any public utility owned and operated by any political subdivision or municipal corporation of the State of Illinois, or owned by such an entity and operated by any lessee or agent thereof.

"PJM-GATS" means the PJM Environmental Information System Generation Attribute Tracking System

"Renewable energy credit" or "REC" has the same meaning as in Section 1-10 of the IPA Act [20 ILCS 3855/1-10].

"Renewable energy resources" has the same meaning as in Section 1-10 of the IPA Act [20 ILCS 3855/1-10].

"Renewable portfolio standard" or "RPS" means the various requirements imposed by Section 16-115D of the Act [220 ILCS 5/16-115D] on ARES and electric utilities serving retail customers outside their service areas.

"Retail customer" has the same meaning as in Section 16-102 of the Act [220 ILCS 5/16-102].

"Supplied", in relation to a quantity of energy, means energy obtained by an ARES or an electric utility serving a retail customer outside its service area and delivered to a retail customer by an electric utility providing delivery services to the retail customer, with the quantity of energy measured at the customer meter.

Section 455.20 Record Retention, Additional Documentation, and Confidential Information
EMERGENCY

- a) In addition to any other requirements of this Part or of any other applicable law, an ARES or electric utility serving retail customers outside its service areas shall

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maintain original records of all contracts and bills associated with Illinois retail customers who received electricity for at least 36 months beyond the end of the compliance period during which the electricity was supplied. All these records and any other documentation or information regarding the compliance by an ARES or electric utility serving retail customers outside its service areas with the renewable portfolio standard and clean coal standard shall be made available to the Commission or its Staff upon written request.

- b) If information contained in any report filed pursuant to this Part or provided to the Commission or Staff upon written request contains or reflects commercially or financially sensitive information or trade secrets, the ARES or electric utility serving retail customers outside its service area may file that information with the Commission on a confidential basis. To be filed confidentially, the information shall be accompanied by an affidavit that sets forth both the reasons for the confidentiality and a public synopsis of the information as required by Section 16-115D(e) of the Act. If a report contains information filed on a confidential basis, the ARES or utility shall file both a "confidential" and a "public" version of the report and attached documentation, with all confidential information marked "Confidential". Commission Staff is authorized to publicly disclose documentation and information provided pursuant to this Part without a confidential designation pursuant to Section 5-108 of the Act [220 ILCS 5/5-108].

**Section 455.30 Waivers
EMERGENCY**

- a) An ARES or electric utility serving retail customers outside its service area may request a waiver of any of the provisions of this Part. A request for a waiver shall be made by petition. The petition shall be verified by a person or persons having knowledge of the facts and shall set forth a full statement of the reasons for the requested waiver. A waiver shall not be granted if the provision from which a waiver is sought is statutorily mandated, or if the request for a waiver is otherwise contrary to law.
- b) The burden of proof in any request for a waiver shall be upon the ARES or electric utility requesting the waiver. A request for waiver shall be granted upon good cause being shown by the ARES or electric utility. While other factors may be considered, and shall be mentioned if considered, the following factors shall be considered in determining whether good cause exists for the requested waiver:

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- 1) Whether the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.
- 2) Whether the granting of a waiver would provide a competitive advantage to the requesting party.
- 3) If the waiver relates to an information filing requirement, whether other information the ARES or electric utility would provide if the waiver is granted permits an assessment of compliance with applicable requirements in a complete and timely manner.
- 4) The expense to the ARES or electric utility in providing the information or otherwise complying with the provision that is the subject of the waiver request.

SUBPART B: RENEWABLE PORTFOLIO STANDARD REQUIREMENTS

**Section 455.100 Applicability of Subpart B
EMERGENCY**

This Subpart does not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an alternative retail electric supplier.

**Section 455.110 Obligation to Procure Renewable Energy Resources
EMERGENCY**

- a) Each ARES and electric utility serving retail customers outside its service areas shall procure cost-effective renewable energy resources in accordance with the requirements of Section 16-115D of the Act [220 ILCS 5/16-115D].
- b) For ARES, the obligation to procure renewable energy resources is expressed in units of electricity (megawatt-hours) and is measured as a percentage of the actual amount of metered electricity supplied to the ARES' Illinois retail customers during each compliance year, pursuant to contracts executed or extended after March 15, 2009 (see 220 ILCS 5/16-115D(a)(2) and (6)).
- c) For electric utilities serving retail customers outside their service areas, the obligation to procure renewable energy resources is expressed in units of

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electricity (megawatt-hours) and is measured as a percentage of the actual amount of metered electricity supplied in the State by the utility outside of its service territory during each compliance year, pursuant to contracts executed or extended after March 15, 2009 (see 220 ILCS 5/16-115D(a)(2), (a)(6) and (g)).

- d) The minimum quantity of renewable energy resources to be procured for each compliance year shall be calculated based on the annual percentages set forth in Section 1-75(c)(1) of the IPA Act [20 ILCS 3855/1-75(c)(1)].
- e) At least 50% of the obligation to procure renewable energy resources must be satisfied by making alternative compliance payments, and the balance of the obligation to procure renewable energy resources may be satisfied by generating electricity using renewable energy resources, purchasing electricity generated using renewable energy resources, purchasing renewable energy credits from renewable energy resources, or making alternative compliance payments (see 220 ILCS 5/16-115D(b)(2)).
- f) Alternative compliance payment rate. The "maximum alternative compliance payment rate" for each compliance year shall be equal to the maximum allowable annual estimated average net increase due to the costs of the utility's purchase of renewable energy resources included in the amounts paid by eligible retail customers in connection with electric service, as described in Section 1-75(c)(2) of the Illinois Power Agency Act for the compliance period, as established in the approved procurement plan. The "actual alternative compliance payment rate" will be equal to the lower of the maximum alternative compliance payment rate or the total amount of dollars the utility actually spent on renewable resources for the compliance period divided by the forecasted load of eligible retail customers, at the customers' meters, as previously established in the Commission-approved procurement plan for that compliance year. (See Section 16-115D(d)(1) of the Act [220 ILCS 5/16-115D(d)(1)]).
- g) To the extent to which an ARES or electric utility serving retail customers outside its service areas seeks to meet its obligation to procure renewable energy resources by generating electricity using renewable energy resources, purchasing electricity generated using renewable energy resources, or purchasing renewable energy credits, the Act establishes minimum percentages that must be procured from specific renewable resource types (wind and solar photovoltaic) and specifies the locations where the resources must be located (within Illinois, within states that adjoin Illinois or within portions of the PJM and MISO footprint in the

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United States) (see 220 ILCS 5/16-115D(a)(3)). For purposes of this Subpart, the states that adjoin Illinois are Wisconsin, Indiana, Iowa, Kentucky, Michigan and Missouri.

Section 455.120 Annual Report of Compliance with Renewable Energy Portfolio Standard EMERGENCY

By September 1, 2010, and by September 1 of each succeeding year, each ARES and electric utility serving retail customers outside its service areas shall file with the Chief Clerk of the Commission and provide to the Directors of the Energy Division and the Financial Analysis Division of the Commission, or to their successors, a compliance report for the compliance year ending May 31 of that year, showing compliance with the renewable portfolio standard of Section 16-115D of the Act for the applicable compliance period. The report shall be titled "Annual Report of Compliance with Renewable Portfolio Standard".

- a) At a minimum, the compliance report shall provide, contain or show, for the applicable compliance year, and for each utility service territory within which the ARES serves Illinois retail customers or the electric utility serves retail customers outside its service areas, the following:
 - 1) The total quantity of metered electricity supplied to Illinois retail customers by the ARES or the quantity of metered electricity supplied by an electric utility in Illinois outside the utility's service territory. The report shall show this information, in megawatt-hours, by service territory for each electric utility that is subject to Section 1-75(c) of the IPA Act;
 - 2) The quantity of metered electricity supplied to Illinois retail customers by the ARES, or the quantity of metered electricity supplied by an electric utility in Illinois outside the utility's service territory, pursuant to contracts executed or extended after March 15, 2009. The report shall show this information, by utility service territory, in megawatt-hours;
 - 3) The quantity of RECs (in megawatt-hours), whether directly purchased or arising from generating electricity or purchasing electricity generated from renewable energy resources, that were retired for purposes of meeting the requirements of the renewable portfolio standard for the compliance period. The report shall also show the quantity and percentage of these RECs that were derived from wind-powered generation resources. For compliance periods starting on and after June 1, 2015, the report shall also

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show the quantity and percentage of these RECs that were derived from solar photovoltaic resources. All REC quantities reported shall be categorized by regional REC tracking system: PJM-GATS (or its successor) and M-RETS (or its successor); and

- 4) The alternative compliance payments that were made for purposes of meeting the requirements of the renewable portfolio standard for the compliance period.
- b) Compliance methods other than alternative compliance payments
- 1) If an ARES or electric utility serving retail customers outside its service areas seeks to comply with the RPS by generating electricity using renewable energy resources, purchasing electricity generated using renewable energy resources, or purchasing renewable energy credits, the only acceptable proof of compliance shall be in the form of verifiable documentation from PJM-GATS (or its successor) or M-RETS (or its successor) of the retirement of renewable energy credits associated with the production of electricity using renewable energy resources in accordance with Section 16-115D(a)(4) of the Act. Prior to identification of renewable energy resources as required under Section 16-115D(a)(4) of the Act, RECs meeting the definition of renewable energy resources as used in the Act and the type and locational requirements of Section 455.110(g) shall qualify for purposes of compliance.
 - 2) If any of these means of compliance are used by the ARES or electric utility serving retail customers outside its service areas during a compliance period, the annual report shall be accompanied by documentation from PJM-GATS (or its successor) and M-RETS (or its successor) of the RECs that were retired for purposes of meeting the requirements of the renewable portfolio standard for the compliance period. At a minimum, the documentation provided shall show:
 - A) the month and year that the electricity associated with the RECs was generated;
 - B) the retirement status of the RECs;
 - C) the State RPS for which the RECs were retired; and

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- D) whether the renewable resource associated with the RECs was located in Illinois, within states that adjoin Illinois or within portions of the PJM and MISO footprint in the United States.
- c) If metered electricity supplied to Illinois retail customers by an ARES or supplied by an electric utility in Illinois outside the utility's service territory are supplied during the compliance period pursuant to contracts that were not executed or extended after March 15, 2009, the ARES or utility shall provide a list, by utility service territory, of those Illinois retail customers who received electricity that was not supplied pursuant to contracts executed or extended after March 15, 2009. The list shall include the following information: account numbers and the quantity of electricity (in megawatt-hours) supplied to the account numbers during the compliance period that was not supplied pursuant to contracts executed or extended after March 15, 2009.
- d) If the Commission has entered an order pursuant to Section 16-115D(h) of the Act determining that the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources do not apply to an ARES or electric utility serving retail customers outside its service areas, the ARES or utility shall include in its annual compliance report:
- 1) The docket number of the Commission proceeding in which a Commission order determined that the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources do not apply to the ARES or utility;
 - 2) a statement indicating whether the conditions or circumstances giving rise to the Commission's determination continued to apply to the ARES or utility during the compliance year; and
 - 3) the further demonstrations identified in the Commission's order of compliance with the criteria identified in Section 16-115D(h) of the Act.
- e) All reports filed or provided under this Section shall be verified by an executive officer of the filing party having knowledge of the facts before either a notary public or other officer authorized to administer oaths.

Section 455.130 Alternative Compliance Payment Requirements

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- a) Alternative compliance payments for each service territory within which an ARES or electric utility serving retail customers outside its service areas supplied electricity shall be equal to the actual alternative compliance payment rate for the compliance period for the service territory multiplied by the actual amount of metered electricity supplied pursuant to contracts executed or extended after March 15, 2009 to retail customers within the service territory during the compliance period, multiplied by the result of one minus the ratio (which cannot exceed $\frac{1}{2}$) of the quantity of renewable energy resources used to comply with the requirements of Section 16-115D within the service territory to the product of the percentage of renewable energy resources required for the compliance period under Section 16-115D(a)(3) of the Act and the actual amount of metered electricity supplied pursuant to contracts executed or extended after March 15, 2009 to retail customers within the service territory during the compliance period. (See 220 ILCS 5/16-115D(b) and (d)(3).)
- b) The dollar amount of alternative compliance payments shall be calculated using the applicable alternative compliance payment rates approved by the Commission.
- c) Alternative compliance payments shall be made by September 1, 2010 for the compliance period of June 1, 2009 to May 31, 2010, and by September 1 of each succeeding year for each subsequent compliance period.
- d) Alternative compliance payments shall be made by check, payable to "Illinois Commerce Commission", and shall be delivered to the following address:

Illinois Commerce Commission
Administrative Services Division
Attn: Manager of the Revenues Section
Re: Illinois Power Agency Renewable Energy Resources Fund
527 East Capitol Avenue
Springfield IL 62701

Alternative compliance payments shall be deemed made only when actually received at the office of the Commission at the specified address. Payment by a check that does not clear after being deposited by the Commission shall be deemed to not have been made.

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- e) Alternative compliance payments shall be accompanied by a letter to the Chief Clerk of the Commission and the Director of the Energy Division or their successors containing the following information:
- 1) "Re: Illinois Power Agency Renewable Energy Resources Fund";
 - 2) Name and address of alternative retail electric supplier;
 - 3) The alternative retail electric supplier's FEIN;
 - 4) Name and telephone number of person writing the letter;
 - 5) Dollar amount of the check (alternative compliance payment);
 - 6) Check number;
 - 7) Compliance period for which the payment is being made (e.g., June 1, 2009 through May 31, 2010); and
 - 8) An indication whether the payment is intended to satisfy the balance of alternative compliance payment requirements for the compliance period or whether more payments may be forthcoming.
- f) The Commission shall deposit all amounts received into the Illinois Power Agency Renewable Energy Resources Fund, a special fund in the State treasury administered by the Illinois Power Agency.
- g) The Commission shall carry forward to subsequent compliance periods the dollar amount of any compliance payments recognized by the Commission to be in excess of requirements, unless and to the extent to which the ARES petitions for and is granted permission to apply to the Illinois Power Agency for a refund.

**Section 455.140 Procedures for Section 16-115D(h) Determination Based on the Operation of Combined Heat and Power Systems
EMERGENCY**

- a) Any ARES or electric utility serving retail customers outside its service areas claiming that Section 16-115D and Section 16-115(d) of the Act do not apply to it pursuant to Section 16-115D(h) of the Act must first file a petition pursuant to the

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Commission's Rules of Practice (83 Ill. Adm. Code 200) for this determination ("Section 16-115D(h) Petition") and receive an order from the Commission granting its request for this determination. If the Commission enters an order granting a Section 16-115D(h) Petition, the ARES or utility shall continue to file annual reports and must certify and demonstrate in each annual report that the conditions giving rise to the exception from application of the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources continue to apply or exist in each compliance year. A new petition must be filed if, in subsequent compliance years, new or additional conditions give rise to the exception from application of the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources.

- b) To obtain a determination that the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources do not apply to it pursuant to Section 16-115D(h) of the Act, an ARES or electric utility serving retail customers outside its service areas shall demonstrate, at a minimum, the following:
- 1) that it operates a combined heat and power system in Illinois or that it has a corporate affiliate that operates a combined heat and power system in this State; and
 - 2) that this combined heat and power system supplies electricity primarily to or for the benefit of:
 - A) facilities owned by the ARES or electric utility serving retail customers outside its service areas, its subsidiary, or other corporate affiliate;
 - B) facilities electrically integrated with the electrical system of facilities owned by the ARES or electric utility serving retail customers outside its service areas, its subsidiary, or other corporate affiliate; or
 - C) facilities that are adjacent to the site on which the combined heat and power system is located.

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- c) For purposes of this Part, a combined heat and power system means a cogeneration facility, as defined in 18 CFR 292.202, that meets the criteria for qualifying cogeneration facilities specified in 18 CFR 292.205. These incorporations of federal standards are as of January 1, 2010. No later amendment or edition is included.
- d) A Section 16-115D(h) Petition shall include, at a minimum, the following:
- 1) A description of the combined heat and power system or systems in Illinois relied upon pursuant to Section 16-115D(h) for the exception from application of the provisions of Section 16-115D and Section 16-115(d) of the Act.
 - 2) For each system identified in subsection (d)(1), documentation of compliance with the information collection requirements established by the Federal Energy Regulatory Commission (FERC) in FERC Form No. 556, or any successor information collection requirements established by FERC, to obtain and maintain status as a qualifying facility (See 18 CFR 131.80 as of January 1, 2010. No later amendment or edition is included.). This documentation shall include a copy of all applications for self-certification, self-recertification, certification, and recertification, and their associated FERC docket numbers. In the alternative, a petitioner may provide this documentation with the testimony submitted with its petition, but shall indicate in the petition that the documentation is attached to its testimony.
 - 3) For each combined heat and power system identified in subsection (d)(1), a proposed method to demonstrate that, for the initial and each subsequent compliance period, the petitioner or its corporate affiliate operated the system and that the system supplied electricity primarily to or for the benefit of:
 - A) facilities owned by the petitioner, its subsidiary, or other corporate affiliate;
 - B) facilities electrically integrated with the electrical system of facilities owned by the petitioner, its subsidiary, or other corporate affiliate; or

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- C) facilities that are adjacent to the site on which the combined heat and power system is located.
- e) Direct testimony shall be filed at the time the petition is filed. At a minimum, this testimony shall demonstrate that, for the initial compliance period over which the exemption is sought, using, to the extent practicable, the methods provided in subsection (d)(3), the petitioner or its corporate affiliate operated (or will operate) the system and that the system supplied (or will supply) electricity primarily to or for the benefit of:
- 1) facilities owned by the petitioner, its subsidiary, or other corporate affiliate;
 - 2) facilities electrically integrated with the electrical system of facilities owned by the petitioner, its subsidiary, or other corporate affiliate; or
 - 3) facilities that are adjacent to the site on which the combined heat and power system is located.
- f) The Commission shall enter an order listing which, if any, of the combined heat and power systems identified in the petition meet the criteria listed in Section 16-115D(h) of the Act for the initial compliance period identified in the petition. The Commission shall also specify the method or methods it adopted for making the demonstrations described in subsection (d)(3), and annual reports shall utilize the same method or methods to make these demonstrations for future compliance periods.
- g) For any subsequent compliance period, the ARES or electric utility serving retail customers outside its service areas shall include within the annual report required by Section 455.120 information and documentation sufficient to make the demonstrations described in subsection (d)(3) using the methods adopted by the Commission pursuant to subsection (f) for the combined heat and power systems found by the Commission to meet the criteria listed in Section 16-115D(h) of the Act for the initial compliance period.
- h) If the Commission enters an order granting a Section 16-115D(h) Petition, the provisions of Section 16-115D and Section 16-115(d) of the Act relating to procurement of renewable energy resources shall not apply to any metered

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electricity supplied from the combined heat and power systems determined by the Commission to give rise to the exception under Section 16-115D(h) of the Act.

Section 455.150 Other Commission Proceedings
EMERGENCY

- a) After receipt of an annual report required by Section 455.120 or the due date for these reports, whichever occurs first, the Commission may initiate, on its own motion or, in its discretion, upon the petition of an interested party, and for each certified ARES of record and each electric utility serving retail customers outside its service areas, a docketed proceeding to investigate whether the ARES or utility has complied with the requirements of Section 16-115D of the Act and this Subpart, to determine the amount by which alternative compliance payments have been insufficient or in excess of requirements, and, if applicable, to determine if the demonstrations described in Section 455.140(d)(3) have been made. Pursuant to Section 16-115D(f) of the Act [220 ILCS 5/16-115D(f)], the ARES or electric utility serving retail customers outside its service areas shall have the burden of proof in this proceeding.
- b) An ARES or electric utility serving retail customers outside its service areas may petition the Commission for permission to apply to the Illinois Power Agency for a refund of compliance payments recognized by the Commission to be in excess of requirements. The Commission will coordinate with the Illinois Power Agency in developing a process and procedure to implement this Subpart.

SUBPART C: COMPLIANCE WITH CLEAN COAL STANDARD REQUIREMENTS

Section 455.200 Applicability of Subpart C
EMERGENCY

This Subpart does not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act to become an alternative retail electric supplier.

Section 455.210 Reporting of Compliance with Clean Coal Standard
EMERGENCY

- a) Within 90 days after approval by the Illinois General Assembly of the initial clean coal facility, each ARES and electric utility serving retail customers outside its service areas shall enter into a sourcing agreement with the initial clean coal

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facility consistent with the provisions of Section 16-115(d)(5) of the Act. Within 30 days after entering into this sourcing agreement, each ARES and electric utility serving retail customers outside its service areas shall file with the Chief Clerk of the Commission, and provide to the Directors of the Energy Division and the Financial Analysis Division, or their successors, a report confirming that it has entered into the sourcing agreement and attaching a signed copy of the sourcing agreement.

- b) By the earliest September 1 following commercial operation of the initial clean coal facility, and by September 1 of each succeeding year, each ARES and electric utility serving retail customers outside its service areas that is required under the Act or the IPA Act to enter into a sourcing agreement with the initial clean coal facility shall file with the Chief Clerk of the Commission, and provide to the Directors of the Energy Division and the Financial Analysis Division, or their successors, a report showing the amount of energy purchased (or financially settled, if the sourcing agreement is executed as a contract for differences) from the initial clean coal facility by the ARES or utility, by month, during the most recent compliance year. The report shall also show how these amounts were consistent with the requirements of Section 16-115(d)(5) of the Act. Each report shall be accompanied by documentation from the initial clean coal facility verifying the amount of energy purchased.
- c) To enable the Commission to monitor progress toward the State's goal that, by January 1, 2025, 25% of the electricity used in the State shall be generated by cost-effective clean coal facilities, beginning no later than September 1, 2010, and by September 1 of each subsequent year, each ARES and electric utility serving retail customers outside its service areas shall file with the Chief Clerk of the Commission, and provide to the Directors of the Energy Division and the Financial Analysis Division, or their successors, a report showing the amount of energy purchased by the ARES or utility from clean coal facilities other than the initial clean coal facility, by month, during the most recent compliance year. Each report shall be accompanied by documentation from the clean coal facility verifying the amount of energy purchased.
- d) All reports filed or provided under this Section shall be verified by an executive officer of the filing party having knowledge of the facts before either a notary public or other officer authorized to administer oaths.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
11:00 A.M.
MARCH 9, 2010

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Agriculture

1. Insect Pest and Plant Disease Act (8 Ill. Adm. Code 240)
 - First Notice Published: 33 Ill. Reg. 15926 – 11/20/09
 - Expiration of Second Notice: 3/18/10

Children and Family Services

2. Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)
 - First Notice Published: 33 Ill. Reg. 14209 – 10/16/09
 - Expiration of Second Notice: 3/27/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

Elections

3. Procedures for Ranked Balloting (26 Ill. Adm. Code 217)
 - First Notice Published: 33 Ill. Reg. 13794 – 10/2/09
 - Expiration of Second Notice: 3/11/10

Financial and Professional Regulation

4. Illinois Dental Practice Act (68 Ill. Adm. Code 1220)
 - First Notice Published: 33 Ill. Reg. 12927 – 9/25/09
 - Expiration of Second Notice: 4/3/10
5. Pharmacy Practice Act (Repealer) (68 Ill. Adm. Code 1330)
 - First Notice Published: 33 Ill. Reg. 12992 – 9/25/09
 - Expiration of Second Notice: 3/26/10
6. Pharmacy Practice Act (68 Ill. Adm. Code 1330)
 - First Notice Published: 33 Ill. Reg. 13081 – 9/25/09
 - Expiration of Second Notice: 3/26/10
7. Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)
 - First Notice Published: 33 Ill. Reg. 8008 – 6/19/09
 - Expiration of Second Notice: 3/27/10
8. The Structural Engineering Practice Act of 1989 (68 Ill. Adm. Code 1480)
 - First Notice Published: 33 Ill. Reg. 13179 – 9/25/09
 - Expiration of Second Notice: 3/27/10

Gaming Board

9. Riverboat Gambling (86 Ill. Adm. Code 3000)
 - First Notice Published: 33 Ill. Reg. 12635 – 9/18/09
 - Expiration of Second Notice: 3/18/10
10. Riverboat Gambling (86 Ill. Adm. Code 3000)
 - First Notice Published: 33 Ill. Reg. 13222 – 9/25/09
 - Expiration of Second Notice: 3/18/10

Health Facilities Planning Review Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

11. Narrative and Planning Policies (77 Ill. Adm. Code 1100)
 - First Notice Published: 33 Ill. Reg. 8825 – 6/26/09
 - Expiration of Second Notice: 3/20/10
12. Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)
 - First Notice Published: 33 Ill. Reg. 6171 -0 5/1/09
 - Expiration of Second Notice: 3/20/10
13. Health Facilities Planning Financial and Economic Feasibility Review (77 Ill. Adm. Code 1120)
 - First Notice Published: 33 Ill. Reg. 6192 – 5/1/09
 - Expiration of Second Notice: 3/20/10

Healthcare and Family Services

14. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 33 Ill. Reg. 14269 – 10/16/09
 - Expiration of Second Notice: 3/19/10
15. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 33 Ill. Reg. 4468 – 3/27/09
 - Expiration of Second Notice: 3/27/10
16. Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)
 - First Notice Published: 33 Ill. Reg. 14272 – 10/16/09
 - Expiration of Second Notice: 3/19/10

Human Services

89-50-09-15320 AC

17. Child Care (89 Ill. Adm. Code 50)
 - First Notice Published: 33 Ill. Reg. 15320 – 11/30/09
 - Expiration of Second Notice: 4/4/10

Insurance

18. Construction and Filing of Life Insurance and Annuity Forms (50 Ill. Adm. Code 1405)
 - First Notice Published: 33 Ill. Reg. 5139 – 4/10/09
 - Expiration of Second Notice: 3/26/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

19. Pre-Licensing and Continuing Education (50 Ill. Adm. Code 3119)
 - First Notice Published: 33 Ill. Reg. 5161– 4/10/09
 - Expiration of Second Notice: 3/20/10
20. IRS Qualification Status Requirements for Article 3 Police Pension Funds (50 Ill. Adm. Code 4440)
 - First Notice Published: 33 Ill. Reg. 14067 – 10/9/09
 - Expiration of Second Notice: 3/20/10
21. IRS Qualification Status Requirements for Article 4 Firefighter Pension Funds (50 Ill. Adm. Code 4445)
 - First Notice Published: 33 Ill. Reg. 14089 – 10/9/09
 - Expiration of Second Notice: 3/20/10

Labor

22. Toxic Substances Disclosure to Employees (Repealer) (56 Ill. Adm. Code 205)
 - First Notice Published: 33 Ill. Reg. 15322– 11/13/09
 - Expiration of Second Notice: 3/25/10
23. Health and Safety (56 Ill. Adm. Code 350)
 - First Notice Published: 33 Ill. Reg. 14657 – 10/30/09
 - Expiration of Second Notice: 3/25/10

Natural Resources

24. The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)
 - First Notice Published: 33 Ill. Reg. 16645 – 12/4/09
 - Expiration of Second Notice: 3/11/10
25. Incidental Taking of Endangered or Threatened Species (17 Ill. Adm. Code 1080)
 - First Notice Published: 33 Ill. Reg. 15344 – 11/13/09
 - Expiration of Second Notice: 4/11/10

Pollution Control Board

26. Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
 - First Notice Published: 33 Ill. Reg. 16399 – 11/20/09
 - Expiration of Second Notice: 3/24/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

27. Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
-First Notice Published: 33 Ill. Reg. 16460 – 11/20/09
-Expiration of Second Notice: 3/24/10

Public Health

28. Home Health, Home Services and Home Nursing Agency Code (77 Ill. Adm. Code 245)
-First Notice Published: 33 Ill. Reg. 8072 – 6/19/09
-Expiration of Second Notice: 3/14/10

Revenue

29. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 33 Ill. Reg. 17289 – 12/28/09
-Expiration of Second Notice: 4/1/10

Veterans Affairs

30. Veterans' Scratch-Off Lottery Program (95 Ill. Adm. Code 125)
-First Notice Published: 33 Ill. Reg. 14933 – 11/6/09
-Expiration of Second Notice: 3/27/10

EMERGENCY RULEMAKINGS

Capital Development Board

31. Illinois Energy Conservation Code (71 Ill. Adm. Code 600)
-Notice Published: 34 Ill. Reg. 2582 – 2/16/10

Employment Security

32. Recovery of Benefits (56 Ill. Adm. Code 2835)
-Notice Published: 34 Ill. Reg. 2230 – 2/5/10
33. Claimant's Reason for Separation From Work (56 Ill. Adm. Code 2840)
-Notice Published: 34 Ill. Reg. 2335 – 2/5/10

Higher Education

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

34. Private Colleges and Universities Capital Distribution Formula (23 Ill. Adm. Code 1039)
-Notice Published: 34 Ill. Reg. 2571 – 2/16/10

Racing Board

35. Advance Deposit Wagering (ADW) (11 Ill. Adm. Code 325)
-Notice Published: 34 Ill. Reg. 2761 – 2/19/10
36. Advance Deposit Wagering (ADW) (11 Ill. Adm. Code 325)
-Notice Published: 34 Ill. Reg. 2823 – 2/26/10

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 16, 2010 through February 22, 2010 and have been scheduled for review by the Committee at its March 9, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
4/1/10	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	12/28/09 33 Ill. Reg. 17289	3/9/10
4/3/10	<u>Department of Financial and Professional Regulation</u> , Illinois Dental Practice Act (68 Ill. Adm. Code 1220)	9/25/09 33 Ill. Reg. 12927	3/9/10
4/4/10	<u>Department of Human Services</u> , Child Care (89 Ill. Adm. Code 50)	11/13/09 33 Ill. Reg. 15320	3/9/10

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of Revenue, Lottery Division, shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Division during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 2009.

Standard Instant Game Rules

On-Line Game Rules

Mega Millions Game Rules

Millionaire Raffle Game Rules effective February 18, 2009 – March 17, 2009

Millionaire Raffle Game Rules effective October 1, 2009 – October 31, 2009

Green Ball Double Draw Promotion Official Rules and Procedures (December 2009)

Chicago Football Classic Promotional Event Official Rules and Procedures

Money Sings Promotion Official Rules

JJ Peppers 25th Anniversary Lotto Player Promotion

Summer Event Procedures

Red Ball Bonus Promotion Official Rules & Procedures

Your Dream Wedding Promotion Official Rules & Procedures

Rock Paper Scissors® Promotion Official Rules & Procedures

Live Like a Chicago Bull for a Day Promotion Official Rules & Procedures

Instant Game Prize List

2009 Winning Numbers Lists (Pick 3, Pick 4, Little Lotto, Lotto, Mega Millions, Millionaire Raffle)

2009 Winning Numbers in Order Drawn (Little Lotto, Lotto, Mega Millions)

Lottery Financial History, Sales by Game/Where Your Dollar Goes

Official How to Play brochure (Mega Millions, Lotto, Little Lotto, Pick 3/Pick 4 and Instant)

Chances of Winning Lotto, Little Lotto or Mega Millions

Mega Millions, Lotto and Little Lotto Subscription Forms

Record North American Jackpots

Top Big Game/Mega Millions Jackpots

Top Lotto Jackpots

Top Illinois Jackpots

Retailer Newsletter

Copies of the foregoing may be obtained by submitting a written request to:

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Freedom of Information Officer
Illinois Department of Revenue
101 West Jefferson, MC 6-595
Springfield, Illinois 62702

EXECUTIVE ORDER**2010-1****EXECUTIVE ORDER CREATING THE OFFICE OF
HEALTH INFORMATION TECHNOLOGY**

WHEREAS, the health care delivery system in Illinois faces significant challenges to maintaining the financial and human resources necessary to provide high quality and cost effective care; and

WHEREAS, the use of electronic medical records and the exchange of health information will significantly improve care coordination, reduce medical errors and health disparities, improve patient safety and outcomes, and control the cost of healthcare; and

WHEREAS, implementation of health information technology will create the need for highly skilled jobs; and

WHEREAS, Illinois is home to highly regarded medical centers, hundreds of hospitals and other providers, innovative health information technology companies, and colleges and universities with well respected information technology programs; and

WHEREAS, a wide range of health care stakeholders has been working since 2007 to plan for a statewide health information exchange that will facilitate the exchange of health information between and among all providers and ensure the privacy and security of all data exchanged; and

WHEREAS, the American Recovery and Reinvestment Act of 2009 (ARRA) committed more than \$2 billion to the Office of the National Coordinator for Health Information Technology (ONC) to ensure that all Americans have an electronic health record by 2014; and

WHEREAS, the ONC will direct a portion of this funding to states for the purpose of building health information technology infrastructure; and

WHEREAS, \$34 billion in ARRA funding is dedicated nationwide for financial incentives to Medicaid and Medicare providers for the adoption and meaningful use of electronic health records, and as such, the State has a compelling interest in assisting Illinois providers to qualify for those ARRA incentives; and

WHEREAS, achievement of meaningful use of and the eligibility of Illinois hospitals and practitioners for the federal Medicaid and Medicare incentive payments depends upon the availability of health information exchange throughout the State; and

WHEREAS, the State of Illinois has submitted a proposal to the ONC pursuant to its cooperative agreement program for states to promote health information technology, and has requested federal funds to plan and implement a statewide health information exchange; and

WHEREAS, the ONC has announced that Illinois will receive \$18.8 million in ARRA funds to establish the Office of Health Information Technology for the purpose of establishing standards, facilitating the exchange and meaningful use of appropriate health information, and protecting the privacy and security of such information; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority of the Governor as set forth in Article V, Section 8 of the Illinois Constitution, do hereby order as follows:

EXECUTIVE ORDER**I. CREATION**

The Office of Health Information Technology is created within the Office of the Governor. This Office shall be responsible for overseeing the State's development and implementation of health information technology initiatives, including the creation of a statewide health information exchange.

II. PURPOSE

- a. The purpose of the Office of Health Information Technology will be to promote the development of health information technology, increase the adoption and meaningful use of electronic health records, assure the privacy and security of electronic health information, and direct the State's planning for a statewide exchange.
- b. The Office of Health Information Technology will be responsible for the obligations of the State Health Information Exchange Cooperative Agreement Program with the federal government.
- c. The Office of Health Information Technology will engage a broad range of health care stakeholders in developing its Strategic and Operational plan to create a statewide health information exchange.
- d. The Office of Health Information Technology will assist the Governor's Office of Legislative Affairs in developing legislation and working with the General Assembly to create a statewide health information exchange.

III. FISCAL RESPONSIBILITY

The Office of Health Information Technology shall utilize existing State resources and employees.

IV. TRANSPARENCY

In addition to whatever policies or procedures it may adopt, the Office will be subject to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) and the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*). This section shall not be construed so as to preclude other statutes from applying to the Office and its activities.

EXECUTIVE ORDER**V. SAVINGS CLAUSE**

Nothing in this Executive Order shall be construed to contravene any state or federal law.

VI. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor: February 16, 2010

Filed with the Secretary of State: February 16, 2010

PROCLAMATIONS

2010-21**African American Veterans Recognition Day**

WHEREAS, in the face of great adversity, African American men and women have displayed a history of patriotism by courageously serving in all branches of the United States Armed Forces; and

WHEREAS, African American men and women have served and distinguished themselves in times of peace as well as during every major conflict since the birth of our nation; and

WHEREAS, certain African American groups such as: Company E, 4th United States Colored Infantry; the Tuskegee Airmen; the Montford Point Marines; the 555th Airborne Battalion; the 761st Tank Battalion; and the "Golden Thirteen" have become historical icons in American military history; and

WHEREAS, African American men and women continue to bravely serve in all branches of the United States Armed Forces and carry on a great legacy of patriotism; and

WHEREAS, the State of Illinois is proud to salute African-American Veterans on February 1, 2010, during African American History Month, to acknowledge the numerous accomplishments made by these brave men and women who have served their country through military service:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 1, 2010 as AFRICAN AMERICAN VETERANS RECOGNITION DAY in Illinois, and encourage all citizens to honor those veterans who have courageously served our country.

Issued by the Governor January 27, 2010

Filed by the Secretary of State February 17, 2010

2010-22**Engineers Week**

WHEREAS, according to the Illinois Department of Financial and Professional Regulation, there are approximately 20,700 registered professional engineers and 2,300 registered structural engineers in Illinois; and

WHEREAS, engineers used their scientific and technical knowledge and skills to provide the people of this state and across the nation with a wealth of

PROCLAMATIONS

innovations in all fields, including agriculture, transportation, construction and education; and

WHEREAS, engineers are vital to allowing our society to function efficiently, particularly in the areas of public safety, health, welfare, transportation, water, power, communications, structural and environmental engineering; and

WHEREAS, engineers face the major technological challenges of our time – from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the twenty-first century; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, we must depend upon the professional men and women in the field of engineering to find technological solutions to the problems we currently face, and those we might face in the future:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 14 - 20, 2010 as **ENGINEERS WEEK** in Illinois, and encourage all citizens to recognize and appreciate the countless contributions that engineers make to the state and the country as a whole.

Issued by the Governor January 27, 2010

Filed by the Secretary of State February 17, 2010

2010-23**Federal Employee of the Year Day**

WHEREAS, the hard work and dedication of men and women across the United States has been instrumental in making our nation strong and prosperous; and

WHEREAS, a special day is set aside each year to recognize the outstanding service of dedicated federal employees; and

WHEREAS, this year, the 53rd Annual Federal Employee of the Year Awards Luncheon will be held on May 26, 2010 at the Hyatt Regency Chicago. The theme for this year's ceremony is "Soaring to Greater Heights"; and

PROCLAMATIONS

WHEREAS, at this prestigious ceremony, federal employees who have dedicated themselves to giving superior service to the American public will be honored; and

WHEREAS, awards will be given to the outstanding employee in each of eleven categories that cover various types of jobs within the federal workforce:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 26, 2010 as FEDERAL EMPLOYEE OF THE YEAR DAY in Illinois, and encourage all citizens to join in honoring these hard working public servants, and to recognize the exceptional services they provide for our society.

Issued by the Governor January 27, 2010

Filed by the Secretary of State February 17, 2010

2010-24**Financial Aid Awareness Month**

WHEREAS, the State of Illinois has fostered the growth of an impressive and diverse complement of public and private programs of education; and

WHEREAS, postsecondary education and training contribute not only to individuals' intellectual and professional development, but also to the strength and flexibility of the workforce; and

WHEREAS, the Illinois Public Agenda for College and Career Success stresses that meeting the State's goals for a highly educated workforce will require expanded early awareness of the necessary steps to prepare, apply, and pay for college; and

WHEREAS, the General Assembly has declared that the State and Nation suffer irreparable losses when qualified students are deterred by financial considerations from completing their education; and

WHEREAS, student financial aid programs provide access to educational opportunity for hundreds of thousands of Illinois students each year; and

WHEREAS, early completion of the Free Application for Federal Student Aid (FAFSA) is increasingly important for students hoping to obtain help in paying for college; and

WHEREAS, the mission of the Illinois Student Assistance Commission (ISAC) is to make college accessible and affordable for Illinois students, and the agency

PROCLAMATIONS

provides financial aid outreach; offers professional development services; and administers grant, scholarship, loan, and prepaid tuition programs; and

WHEREAS, ISAC, the Illinois Association for College Admission Counseling, and the Illinois Association of Student Financial Aid Administrators, Inc., are dedicated to improving awareness among students, parents, and adult learners regarding college admissions and financial aid resources and procedures; and

WHEREAS, the State's college admissions community, financial aid community, and ISAC are collaborating to serve families throughout the state through workshops on student financial assistance, including help in completing the FAFSA; and

WHEREAS, these workshops will be presented free of charge in public venues around the State throughout the month of February to assist Illinoisans in reaching their educational and personal goals:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2010 as FINANCIAL AID AWARENESS MONTH in Illinois.

Issued by the Governor January 27, 2010

Filed by the Secretary of State February 17, 2010

2010-25**Men's Health Week**

WHEREAS, despite advances in medical technology and research, men continue to live an average of almost six years less than women, with African-American men having the lowest life expectancy; and

WHEREAS, recognizing and preventing men's health problems is not just a man's issue. Because of its impact on wives, mothers, daughters, and sisters, men's health is truly a family issue; and

WHEREAS, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will help to reduce rates of mortality from disease, improve overall health, and save health care dollars; and

WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screening; and

PROCLAMATIONS

WHEREAS, the Men's Health Network worked with Congress to develop National Men's Health Week - the week leading up to and including Father's Day - as a special campaign to help educate men and their families about the importance of positive health attitudes and preventative health practices; and

WHEREAS, Men's Health Week will raise awareness of a broad range of men's health issues, including heart disease, diabetes, prostate, testicular and colon cancer; and

WHEREAS, all of the citizens of this state are encouraged to recognize the importance of a healthy lifestyle, regular exercise and medical check-ups:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 14-20, 2010 as **MEN'S HEALTH WEEK** in Illinois, and encourage all citizens to pursue preventative health practices and early detection efforts.

Issued by the Governor January 27, 2010

Filed by the Secretary of State February 17, 2010

2010-26**Peace Corps Week**

WHEREAS, in 1961, President John F. Kennedy established the Peace Corps in hopes of promoting world peace and friendship through volunteer work in developing countries; and

WHEREAS, the Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grass-roots level in the developing world; and

WHEREAS, since its inception, more than 200,000 men and women from across the United States, including more than 7,847 from Illinois, have served as Peace Corps volunteers in 139 different countries; and

WHEREAS, Peace Corps volunteers have made significant contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, and the environment, and have improved the lives of individuals and communities around the world; and

PROCLAMATIONS

WHEREAS, Peace Corps volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and

WHEREAS, Peace Corps volunteers, enriched by their experiences overseas, have brought to their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to our nation; and

WHEREAS, it is indeed fitting to recognize the achievements of the Peace Corps and honor its volunteers, past and present, and reaffirm our country's commitment to helping people help themselves throughout the world:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 1-7, 2010 as PEACE CORPS WEEK in Illinois, and encourage all citizens to recognize and appreciate the significant and lasting impact that that these volunteers have made across the world.

Issued by the Governor January 27, 2010

Filed by the Secretary of State February 17, 2010

2010-27**Rare Disease Day**

WHEREAS, there are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States; and

WHEREAS, while each of these diseases alone may affect only a small number of people, rare diseases as a group affect millions of Americans; and

WHEREAS, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and

WHEREAS, unfortunately, there is often no treatment specific to these rare diseases; and

WHEREAS, individuals and families affected by rare diseases often experience problems such as a sense of isolation, difficulty in obtaining an accurate and timely diagnosis, few treatment options, and problems related to accessing or being reimbursed for treatment; and

PROCLAMATIONS

WHEREAS, while some rare diseases, such as "Lou Gehrig's disease" and Huntington's disease are relatively well known, many others are not known at all by the public, which means that a large share of the burden of raising awareness of these diseases and raising funds for research is borne by patients and their families; and

WHEREAS, thousands of residents of Illinois are among those affected by rare diseases, since statistically nearly 1 in 10 Americans is affected; and

WHEREAS, the National Organization for Rare Diseases (NORD) is organizing a nationwide observance of Rare Disease Day on February 28, 2010, and patients, medical professionals, researchers, government officials, and companies developing treatments for rare diseases are joining together to focus attention on rare diseases as a public health issue on that day:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 28, 2010 as RARE DISEASE DAY in Illinois, in support of this important public awareness campaign.

Issued by the Governor January 27, 2010

Filed by the Secretary of State February 17, 2010

2010-28**Specialist Kyle J. Wright**

WHEREAS, on Wednesday, January 13, United States Army Specialist Kyle J. Wright of Romeoville died at age 22 of injuries sustained when an improvised explosive device detonated near his vehicle in Kandahar Province, Afghanistan, where Specialist Wright was serving in support of Operation Enduring Freedom; and

WHEREAS, Specialist Wright was assigned to the 2nd Battalion, 1st Infantry Regiment, 5th Stryker Brigade Combat Team, 2nd Infantry Division, based at Fort Lewis, Washington; and

WHEREAS, Specialist Wright graduated from Romeoville High School in 2006 and enlisted in the same year, following in the military footsteps of his father and grandfather; and

WHEREAS, Specialist Wright was fluent in Arabic and worked interdicting drugs and weapons on the main highway in Afghanistan; and

PROCLAMATIONS

WHEREAS, Specialist Wright was remembered by friends and family as a professional soldier who earned three Army achievement medals and had always wanted to serve his country; and

WHEREAS, a funeral will be held on Tuesday, February 2 for Specialist Wright, who is survived by his mother and father:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on January 31, 2010 until sunset on February 2, 2010 in honor and remembrance of Specialist Wright, whose selfless service and sacrifice is an inspiration.

Issued by the Governor January 28, 2010

Filed by the Secretary of State February 17, 2010

2010-29**Earned Income Tax Credit Awareness Day**

WHEREAS, in 1975 Congress enacted the Earned Income Tax Credit (EITC) to offset the burden of Social Security taxes on low-income families, supplement wages and make employment more attractive than welfare; and

WHEREAS, Illinois also created a state EITC modeled after the federal EITC to help Illinoisans who work hard but struggle to make ends meet; and

WHEREAS, since its implementation, the EITC has helped lift millions of Americans above the poverty line and has had a high participation rate relative to other programs for low-income families; and

WHEREAS, unfortunately, there are still many Americans who do not realize that they qualify for the EITC or do not know how to claim it; and

WHEREAS, the United States Department of the Treasury estimates that as many as one in four eligible taxpayers miss out on the credit, which can put up to \$5,600 or even more in their pockets; and

WHEREAS, the EITC can be a financial boost for working people hit by hard economic times and many people will qualify for the EITC for the first time this year because their income declines, their marital status changed, or they added children to their families; and

PROCLAMATIONS

WHEREAS, once again this year, communities and states throughout the country in cooperation with the Department of the Treasury, Internal Revenue Service and its partners nationwide, will promote the availability of the EITC and free tax preparation services for low-income families on January 29:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 29, 2010 as EARNED INCOME TAX CREDIT AWARENESS DAY in Illinois, in support of the nationwide effort to raise awareness about EITC, which puts money back in the pockets of hardworking Illinois families.

Issued by the Governor January 28, 2010

Filed by the Secretary of State February 17, 2010

2010-30**Child Abuse Prevention Month**

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

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

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

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

WHEREAS, in Illinois, effective child abuse prevention programs have contributed to a decline in reports of child abuse and neglect, from 139,720 reports in Fiscal Year 1995 to 111,732 reports in Fiscal Year 2009; and,

PROCLAMATIONS

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

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2010 as CHILD ABUSE PREVENTION MONTH in Illinois, and encourage all citizens to support child abuse prevention programs and report suspected cases of abuse to the Illinois Child Abuse Hotline at 1 (800) 25-ABUSE.

Issued by the Governor February 2, 2010

Filed by the Secretary of State February 17, 2010

2010-31**Days of Remembrance**

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and

WHEREAS, during this sad time in history, six million were murdered, while many others were forced into grievous oppression and death under Nazi tyranny for racial, ethnic or national reasons; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, the people of the State of Illinois also should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny. In addition, we should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the victims of the Holocaust. This year's observances

PROCLAMATIONS

will take place from Sunday, April 11 through Sunday, April 18, including the Day of Remembrance known as Yom Hashoah, on April 11:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 11 – 18, 2010 as DAYS OF REMEMBRANCE in Illinois, in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and urge all citizens to collectively and individually strive to overcome bigotry, hatred and indifference through learning, tolerance and remembrance.

Issued by the Governor February 2, 2010

Filed by the Secretary of State February 17, 2010

2010-32**Illinois Arts Education Week**

- WHEREAS, the State of Illinois recognizes that arts education, which includes dance, drama, music, and visual arts, is an essential part of basic education for all students, providing them with a balanced education that will aid in developing their full potential; and
- WHEREAS, the arts enrich the lives of children in Illinois and throughout the country by helping them to develop creative ability, self-expression, self-reflection, cognitive skills, discipline, a heightened appreciation of beauty and cross-cultural understanding; and
- WHEREAS, experience in the arts develops insights and abilities central to the experience of life; and
- WHEREAS, the arts are collectively an important repository of our culture; and
- WHEREAS, many national and state professional education associations hold celebrations in the month of March focused on students' participation in the arts; and
- WHEREAS, these celebrations give Illinois schools a unique opportunity to focus on the value of the arts for all students, to foster cross-cultural understanding, to recognize the state's outstanding young artists, to focus on careers in the arts available to Illinois students, and to enhance public support for this important part of their curriculum; and

PROCLAMATIONS

WHEREAS, the fine arts are a significant component of students' educational development, teaching them the language and production of the arts, and helping them understand the role of the arts in civilizations, past and present:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 15-21, 2010, as Illinois Arts Education Week and encourage all residents to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor February 2, 2010

Filed by the Secretary of State February 17, 2010

2010-33**Motorcycle Awareness Month**

WHEREAS, Illinois is a national leader in motorcycle education and safety; and

WHEREAS, sharing a roadway is where motorist awareness starts. The Illinois Department of Transportation urges all motor vehicle drivers to expect to see more motorcyclists riding in traffic in spring and summer months and to respect that they rightfully enjoy the same access to the roads as other traffic; and

WHEREAS, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training program since 1976; and

WHEREAS, the program is supported by state motorcycle registration fees and has been responsible for training more than 288,000 cyclists; and

WHEREAS, better rider education, licensing and public awareness lead to safer motorcycling:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2010 as MOTORCYCLE AWARENESS MONTH in Illinois, and encourage all drivers to help keep our roadways safe through proper motorist awareness.

Issued by the Governor February 2, 2010

Filed by the Secretary of State February 17, 2010

2010-34

PROCLAMATIONS

Jesse White Tumbling Team Day

- WHEREAS, the internationally-renowned Jesse White Tumbling Team has been thrilling audiences with acrobatic performances since 1959; and
- WHEREAS, Jesse White founded the team to provide a positive alternative for inner-city kids by providing a recreational, athletic, educational and cultural enrichment experience; and
- WHEREAS, team members are required to abide by strict rules, which include staying away from gangs, drugs, and alcohol, staying in school and maintaining a minimum "C" average in academic coursework; and
- WHEREAS, because of the strict academic requirements of the program, members of the Jesse White Tumblers who fall behind in their studies must attend a tutoring program that assists with homework and encourages academic development; and
- WHEREAS, in 2000, the Jesse White Tumbling Team established a program to provide academic and financial support for current and former members of the team to encourage them to continue their education beyond high school; and
- WHEREAS, currently the team consists of over 255 members, male and female, as young as age six, many of whom reside in Chicago's public housing developments; and
- WHEREAS, the team gives hundreds of performances each year at major sporting events and community, business and charity functions; and
- WHEREAS, the Jesse White Tumblers can frequently be seen during half-time shows for the Harlem Globetrotters, the National Basketball Association, the National Football League and Major League Baseball games. Additionally, the team entertains at business and sporting events year-round, including colleges and universities across the nation; and
- WHEREAS, the Jesse White Tumbling Team has attracted national and international attention, appearing in television programs and commercials, and performing stunts for feature films; and

PROCLAMATIONS

WHEREAS, Jesse White, in addition to his work as Illinois' Secretary of State, has served as coach, teacher, friend, mentor, confidant and surrogate father to more than 10,000 young men and women since the program's inception; and

WHEREAS, on February 23, 2010 the Jesse White Tumblers will celebrate their 50th Anniversary with a special dinner at the United Center in Chicago:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 23, 2010 as JESSE WHITE TUMBLING TEAM DAY in Illinois, in recognition of the program's 50th Anniversary and the efforts of Illinois Secretary of State Jesse White, whose incredible dedication to our state's youth has made this milestone a reality.

Issued by the Governor February 5, 2010

Filed by the Secretary of State February 17, 2010

2010-35**American Red Cross Month**

WHEREAS, in 1881, the efforts of Clara Barton led to the establishment of the American Red Cross, and now for more than a century the American Red Cross has been at the forefront of helping Americans prevent, prepare for and respond to disasters large and small; and

WHEREAS, since its inception, the American Red Cross has grown into an organization which is uniquely chartered by the United States Congress to act in times of need by providing assistance to persons afflicted by local, state, national or international disasters, as well as to assist American military personnel and their families; and

WHEREAS, American Red Cross chapters in Illinois have responded to over 2,900 local emergencies, assisted over 7,400 military families, educated over 131,000 people in disaster preparedness and trained over 385,000 people in lifesaving skills such as First Aid, CPR and the use of Automated External Defibrillators; and

WHEREAS, the American Red Cross is committed to assuring a safe and adequate blood supply for Illinois and the entire nation by performing blood drives where volunteers are asked to donate so that blood is readily available when needed by members of our communities; and

PROCLAMATIONS

WHEREAS, through its work, we celebrate March as American Red Cross Month, and I encourage all Illinoisans to commit themselves to strengthening their own communities through service with the Red Cross. Volunteers help make our country stronger, and never is that more evident when communities come together to support each other in times of disaster:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 2010 as AMERICAN RED CROSS MONTH in Illinois, and encourage all citizens to support the noble efforts of the American Red Cross by giving their time, money and blood donations to this worthy organization so that it may continue to help our communities in time of need.

Issued by the Governor February 11, 2010

Filed by the Secretary of State February 17, 2010

2010-36**Arts in Education Spring Celebration Months**

WHEREAS, the arts demonstrate the beauty of this world and help to preserve our cultural heritage; and

WHEREAS, the State of Illinois declares that arts education, which includes dance, drama, music and visual arts, is an essential part of basic instruction for all students, providing them with a balanced education that will aid in developing their full potential; and

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and furthermore, they are committed to supporting the development and promotion of fine and applied arts programs; and

WHEREAS, winner of several awards, the Arts In Education Spring Celebration is held at the Peoria County Courthouse Plaza and provides a venue for students in grades pre-Kindergarten through 12 to showcase their works and talents; and

WHEREAS, the 2010 Arts In Education Spring Celebration will be held April 12 through May 21, 2010; and

WHEREAS, the 2010 Arts In Education Spring Celebration will be the 25th annual such event; and

PROCLAMATIONS

WHEREAS, the State of Illinois resolutely supports events such as the Arts In Education Spring Celebration, and commends the students and teachers who work to bring the beauty of art to this great state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April and May 2010 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.

Issued by the Governor February 11, 2010

Filed by the Secretary of State February 17, 2010

2010-37
Entrepreneurship Week

WHEREAS, entrepreneurship is vital to Illinois' growth and prosperity; and

WHEREAS, most of the new jobs created throughout the United States in the past decade have come from the creative efforts of entrepreneurs and small businesses; and

WHEREAS, many young Americans envision starting a business or doing something entrepreneurial as adults; and

WHEREAS, over the last several years, the State of Illinois has redoubled its commitment to nurturing our entrepreneurs, by opening up a network of entrepreneurship centers throughout Illinois to turn promising ideas into promising companies and new jobs; and

WHEREAS, our investments in the Illinois Entrepreneurship Network have helped small companies generate more than \$3 billion in government contracts and international sales and secure almost \$700 million in financing; and

WHEREAS, a broad coalition of partner organizations in Illinois and throughout the United States is actively engaged in enhancing entrepreneurial opportunities through collaboration and cooperation with the national Consortium for Entrepreneurship Education; and

WHEREAS, encouraging youth to be excited about entrepreneurship and working to expand the knowledge, skills and attitudes of Illinois' youth and adults to be successful entrepreneurs are crucial to the long-term growth of local communities, Illinois and the United States; and

PROCLAMATIONS

WHEREAS, Illinois' Career and Technical Student Organizations offer an array of programs, activities and competitive events focused on entrepreneurship; and

WHEREAS, in 1988 the Illinois General Assembly created the Illinois Institute for Entrepreneurship Education to promote entrepreneurship as a viable career option, and to educate and aid the public in economic development; and

WHEREAS, in 2006 the United States House of Representatives established National Entrepreneurship Week to support the goals and ideals of entrepreneurship in America; and

WHEREAS, National Entrepreneurship Week provides an opportunity to focus on the innovative ways in which entrepreneurship education can bring together the core academic, technical and problem solving skills essential for future entrepreneurs and successful workers in future workplaces:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 20-26, 2010 as ENTREPRENEURSHIP WEEK in Illinois.

Issued by the Governor February 11, 2010

Filed by the Secretary of State February 17, 2010

2010-38**Home Education Week**

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

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

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

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

PROCLAMATIONS

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

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 18-24, 2010 as HOME EDUCATION WEEK in Illinois, and encourage all citizens to recognize the important role that home education plays in educating our children.

Issued by the Governor February 11, 2010

Filed by the Secretary of State February 17, 2010

2010-39**Huntington's Disease Awareness Day**

WHEREAS, Huntington's disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12-15 year period; and

WHEREAS, currently, Huntington's disease affects approximately 30,000 patients and 200,000 genetically "at risk" individuals in the United States; and

WHEREAS, since the discovery of the gene that causes Huntington's disease in 1939, the pace of its research has accelerated; and

WHEREAS, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming; and

WHEREAS, researchers are conducting important research projects involving Huntington's disease; and

WHEREAS, the Huntington's Disease Society of America (HDSA) dedicates its tireless efforts to advocating for families, educating the public, and providing support and services to affected families living with this disease; and

WHEREAS, on May 16, 2010 the Illinois Chapter of HDSA will hold its 6th Annual TEAM HOPE - Walk For A Cure to raise funds for research into a cure or treatment for Huntington's Disease:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 16, 2010 as HUNTINGTON'S DISEASE AWARENESS DAY in Illinois, to raise awareness of this devastating disease and in support of the efforts of the Illinois Chapter of the Huntington's Disease Society of America.

Issued by the Governor February 11, 2010
Filed by the Secretary of State February 17, 2010

2010-40**Illinois Museum Day**

WHEREAS, museums have long been places where cultural and natural history have been preserved for all people to appreciate; and

WHEREAS, museums provide unique educational opportunities because they serve as portals to the past by preserving and studying important artifacts and providing special programs, exhibits and activities which enhance the public knowledge of history, the arts, science, and industry. This allows people of all ages to learn about the past, examine the present, and look to the future; and

WHEREAS, Illinois' museums serve as economic engines for our state by providing employment for thousands of our citizens and attracting tourists from across the country; and

WHEREAS, on February 24th, the Illinois Association of Museums and Museums In the Park will hold their 12th Annual Museum Day event. On this day, museum staff and volunteers from across the state will gather at the Illinois State Museum to attend an advocacy workshop and then proceed to the Capitol Building to visit their legislators:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 24, 2010 as ILLINOIS MUSEUM DAY and encourage all citizens to recognize the importance of preserving these valuable institutions.

Issued by the Governor February 11, 2010
Filed by the Secretary of State February 17, 2010

2010-41**National Day of Prayer**

PROCLAMATIONS

- WHEREAS, in times of peril both at home and abroad, many American citizens turn to prayer for help and guidance; and
- WHEREAS, millions of men and women across the nation gratefully continue the tradition of prayer in churches, synagogues, temples, mosques, and other houses of worship across our country; and
- WHEREAS, established in 1952 by an act of Congress, the National Day of Prayer is now observed nationally every year on the first Thursday in May; and
- WHEREAS, the National Day of Prayer is a celebration of American citizens' freedom of religion, set forth in the First Amendment. Americans treasure their religious freedom, which embraces the many diverse communities of faith that have infused our society and our cultural heritage over more than two centuries; and
- WHEREAS, in past years, U.S. presidents and governors have signed proclamations designating a National Day of Prayer; and
- WHEREAS, the State of Illinois is pleased to join governors across the nation and President Barack Obama by issuing a proclamation honoring the National Day of Prayer, while continuing to work with communities of faith to improve our state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 6, 2010 as NATIONAL DAY OF PRAYER in Illinois.

Issued by the Governor February 11, 2010

Filed by the Secretary of State February 17, 2010

2010-42**Save Abandoned Babies Day**

- WHEREAS, signed into law in August 2001, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant to personnel at a local hospital, police station, fire station, or emergency medical facility anonymously and free from prosecution; and
- WHEREAS, relinquished babies then may become custody of the state and are placed in a responsible and nurturing safe haven; and

PROCLAMATIONS

WHEREAS, the Illinois Abandoned Newborn Protection Act provides a safe alternative to abandonment for Illinois parents who feel they cannot cope with the responsibility of caring for a newborn baby; and

WHEREAS, it is the hope of the State of Illinois that as awareness of this Act increases, it will stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and

WHEREAS, since the signing of the Illinois Abandoned Newborn Protection Act, numerous newborn babies have been safely relinquished in Illinois pursuant to this Act, but at the same time, newborn infants continue to be unsafely relinquished; and

WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the State of Illinois, as it affords the chance of a better life for abandoned newborn babies, but continued public awareness of the Act is necessary to fulfill the goals of protecting all newborn infants and providing parents with a responsible and safe mechanism to relinquish a newborn infant:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 13, 2010 as SAVE ABANDONED BABIES DAY in Illinois, and encourage all citizens to recognize the importance of protecting abandoned infants and giving them the proper care they deserve.

Issued by the Governor February 11, 2010

Filed by the Secretary of State February 17, 2010

ILLINOIS ADMINISTRATIVE CODE
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